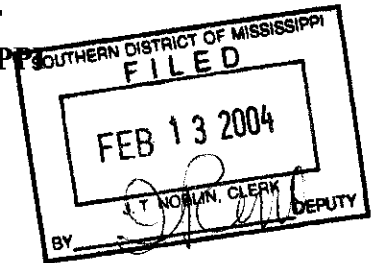


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION



BILLIE A. AULD AND
ALL PLAINTIFFS LISTED ON
ATTACHED EXHIBIT "A"

PLAINTIFFS

v.

CIVIL ACTION NO. 5:04 CV 55 BJS

LIFE INSURANCE COMPANY OF GEORGIA;
HARVEY ADCOCK; F. ALLEGREZZA; EDWARD
C. BLAND; L. BOONE; M. R. BOONE; L. BOONE,
JR.; TIMMY BORGOGNONI; RANDY BRITT; L.
BROWN; JANICE BULTON; L. H. BUROI;
BOBBY BYRNES; BARBARA COOPER; J. K. M.
CRAIG; PAUL R. CUTTING; HENRY DAVIS;
TERRY W. DAVIS; CLINTON DICKERSON;
HANK FAVAROTH; JOHN FELTON; HOWARD
FOREMAN; HOWARD FULGHAM; S.
GARNARD; MARVIN GIBBS; JAMES GRAY;
JOHN HAND; JOHN HARRINGTON; ARNOLD
HENDERSON; E. JACKSON; GREGORY
JACKSON; SHIRLEY JENRETTE; BUBBA
JOHNSON; LES KING; OLIVER KING; OLEVAR
S. KING; CRAIG KIRBY; DAVIS LABELL;
GREGG LANE; J. MALLY; IVY MANEY; MAYO
MANGUM; IVY MAUERY; JAMES MAYS;
RALPH G. MAYS; O. W. MCRAE; IVY MEMIY;
JOHN G. MIMBS; WALTER MONTGOMERY;
WILLIAM MONTGOMERY; PAUL NORRELL;
LARRY O'CONNER; LAWRENCE M. PHILLIPS;
A. PREWITT; COCHRAN CURTIS SMITH;
LESLIE SMITH; LISA THOMPSON; PAUL
UPTON; GILBERT WALDEN; B. WALK;
HAROLD WALLEY; BEN WALTMAN; JAMES
WATSON; PAUL WATSON; SAM WHITAKE;
PENNY WOMBLE; and JOHN DOE 1-500, who are
those persons, firms, corporations, associations,
proprietorships, or other entities whose names and
identities are otherwise unknown at this time by the
Plaintiffs, but who will be added by amendment
when ascertained and who participated in the rating,

developing, selling, servicing, handling, collection on and/or canceling of certain insurance policies of Plaintiffs and/or who participated in acts or omissions that caused damage to policies of Plaintiffs and/or who took and/or converted for their own uses money from Plaintiffs' policies and/or who engaged in a conspiracy or participated in acts or omissions which involved said policies and/or who participated in a cover-up or conspiracy of silence to withhold from the Plaintiffs information about the Plaintiffs' policies and including but not limited to the different and discriminatory rates being charged Plaintiffs and others because of their race, and the other products that were more beneficial and reasonable in pricing which could have been sold to Plaintiffs but was not

DEFENDANTS

**NOTICE OF REMOVAL AND STATEMENT OF FACTS, AND
AUTHORITIES IN SUPPORT OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, Defendants Life Insurance Company of Georgia ("Life of Georgia"), Paul Norrell ("Norrell"), Randy Britt ("Britt"), Walter Montgomery ("Montgomery") and Paul Upton ("Upton") (collectively, Defendants)¹ hereby submit their Notice of Removal, and remove this action from the Circuit Court of Adams County, Mississippi to the United States District Court for the Southern District of Mississippi, Western Division. The facts and authorities supporting this Notice of Removal are set forth in detail below.

¹To Defendants' knowledge, none of the other Defendants have been served at this time. In removing, Defendants Life of Georgia, Norrell, Britt, Montgomery and Upton expressly reserve any objections as to the sufficiency of service of process on them.

I. INTRODUCTION

Plaintiffs brought this action in a forum that is inappropriate for the subject matter of this case in an improper effort to multiply proceedings, maximize the inconvenience and prejudice to Defendants, and force Defendants into a settlement posture. By artfully dressing up federal claims in the clothing of purported state law causes of action, by misstating the damages they seek, and by rounding up individuals to name as defendants in this case in an effort to destroy diversity jurisdiction, Plaintiffs have attempted to deprive Defendants of the federal forum to which they are entitled – the only forum in which it is appropriate to litigate this case.

Plaintiffs are well aware that a federal Multidistrict Litigation proceeding has been established in the Eastern District of Louisiana (the "MDL Court") to address claims that are identical or virtually identical to those in this case. Ultimately, this case should be transferred to the MDL Court (as Defendants promptly will request) because litigation of these claims in that more appropriate forum will conserve judicial resources. Accordingly, this removal not only will protect Defendants' right to be heard in federal court, but also will result in a more efficient and equitable resolution of the claims of thousands of individuals who have asserted identical or virtually identical claims against Life of Georgia and other life insurance companies.

This Court has subject matter jurisdiction in this case. Despite Plaintiffs' pasting of state law labels on their claims and their purported disclaimer of federal claims (see Complaint, Preamble), Plaintiffs clearly assert claims of race discrimination that can be pursued only under 42 U.S.C. §§ 1981 or 1982, if at all. Because Plaintiffs' Complaint necessarily raises a substantial federal question, this Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331, and it

can exercise supplemental pendent jurisdiction over any arguably viable state claims pursuant to 28 U.S.C. § 1367.

This Court also has diversity jurisdiction. Plaintiffs also have fraudulently joined the non-diverse Individual Defendants. There is therefore complete diversity between the proper Plaintiffs and Life of Georgia.² Because the true amount in controversy in this case exceeds \$75,000, diversity jurisdiction is proper pursuant to 28 U.S.C. § 1332.

II. PERTINENT FACTS AND PROCEDURAL HISTORY

On or about January 5, 2004, Plaintiffs filed a Complaint against Life of Georgia, and Individual Defendants Norrell, Britt, Montgomery and Upton, as well as 66 other Individual Defendants who have not yet been served:³ Harvey Adcock; F. Allegrezza; Edward C. Bland; L. Boone; M. R. Boone; L. Boone, Jr.; Timmy Borgognoni; L. Brown; Janice Bulton; L. H. Buroi; Bobby Byrnes; Barbara Cooper; J. K. M. Craig; Paul R. Cutting; Henry Davis; Terry W. Davis; Clinton Dickerson; Hank Favaro; John Felton; Howard Foreman; Howard Fulgham; S. Garnard; Marvin Gibbs; James Gray; John Hand; John Harrington; Arnold Henderson; E. Jackson; Gregory Jackson; Shirley Jenrette; Bubba Johnson; Les King; Oliver King; Oleva S. King; Craig Kirby; Davis Labell; Gregg Lane; J. Mally; Ivy Maney; Mayo Mangum; Ivy Mauery; James Mays; Ralph G. Mays; O. W. Mcrae; Ivy Memiy; John G. Mimbs; William Montgomery; Larry O'conner; Lawrence M. Phillips; A. Prewitt; Cochran Price; Maxine Salley; Charles Smith; Clide Smith;

²A December 30, 2002 decision of a Mississippi federal court dealt with many of the misjoinder and fraudulent joinder issues raised in this case. See Coleman v. Conseco, Inc., 238 F. Supp. 2d 804 (S.D. Miss. 2002). In that case, Judge Barbour found that non-diverse defendants were fraudulently joined, and non-diverse plaintiffs were "fraudulently misjoined." The Court disregarded the citizenship of both, held that diversity jurisdiction was proper, and denied the plaintiffs' motion to remand. Id. at 819.

³Plaintiffs' Complaint does not even allege service information for the majority of the Individual Defendants; it therefore appears Plaintiffs have no intent of ever serving these Individual Defendants – another indication of the fraudulent nature of their joinder.

Clyde W. Smith; Curtis Smith; Leslie Smith; Lisa Thompson; Gilbert Walden; B. Walk; Harold Walley; Ben Waltman; James Watson; Paul Watson; Sam Whitake; Penny Womble (the "Individual Defendants") and John Does 1 through 500 in the Circuit Court of Adams County, Mississippi. Life of Georgia received a copy of the Summons and Complaint via certified mail on or about January 20, 2004. Norrell, Britt, Montgomery and Upton also received copies of the Summons and Complaint, via certified mail, on or about January 17, 2004. A true and correct copy of all papers filed by Plaintiffs in the Circuit Court of Adams County in this action is attached hereto as Exhibit "A."

The Southern District of Mississippi, Western Division, is the Court embracing the place where Plaintiffs filed their state court action. Therefore, venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a)-(c) and 1443. Further, pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on the Clerk for the Circuit Court of Adams County, Mississippi, and on Plaintiffs' counsel, along with a Notice to State Court of Removal (copy attached hereto as Exhibit "B").

The gravamen of Plaintiffs' Complaint is that Life of Georgia committed illegal race discrimination in making contracts by charging higher premiums for life insurance to African-American customers than to Caucasian customers. Notwithstanding the purported disclaimers contained in its Preamble, the Complaint consists of a lengthy narrative alleging an elaborate scheme of intentional race discrimination that Life of Georgia has allegedly perpetrated (Complaint, ¶¶ 77-93). The claimed basis for joining the Individual Defendants is that they carried out Life of Georgia's alleged scheme of race discrimination as part of their jobs as agents for Life of Georgia (Complaint, ¶¶ 2, 90). In the Complaint's actual counts, Plaintiffs characterize this alleged discrimination as the following purported causes of action: (1) fraudulent misrepresentation;

(2) reckless misrepresentation; (3) innocent misrepresentation; (4) fraudulent concealment and suppression; and (5) "Discrimination Under Mississippi Law" (Complaint, ¶¶ 94-114).⁴

Life of Georgia is a Georgia corporation with its principal place of business in Georgia (Complaint, ¶ 2). The Complaint lists as Plaintiffs 121 individuals who allegedly have either a past or present ownership interest in a Life of Georgia policy (Id., ¶ 79, Table A). Several Plaintiffs are listed as having Mississippi addresses; none are identified as residents of Georgia (Id., Table A). The Complaint further lists as Defendants 70 individuals (as well as John Doe Defendants 1 through 500) who are alleged to have "sold and issued" Plaintiffs insurance policies (Id., Preamble, ¶¶ 4-73). The Complaint alleges Mississippi residency for the Individual Defendants. However, Life of Georgia submits that none of these individuals is a proper party in this action, because these individuals were fraudulently joined solely in an attempt to destroy diversity jurisdiction. For example, the Complaint does not allege any specific conduct attributable to any specific agent, but instead alleges a vast scheme of unlawful race discrimination perpetrated by Life of Georgia through unnamed employees and agents. There is not one single allegation of unlawful conduct committed by any of the Individual Defendants specifically. In fact, the Complaint does not even allege any of the Individual Defendants sued are agents Plaintiffs can identify as being involved in selling and/or servicing the policies in question. None of the Individual Defendants are identified on Table A (or anywhere else) as having sold a particular policy, let alone having committed a specific

⁴The Complaint's Preamble alleges that the Complaint is for "fraud and fraudulent inducement, for breach of the duties of good faith and fair dealing, for tortious breach of contract, for breach of fiduciary duty, for assumpsit or money had and received, unjust enrichment and imposition and/or gross negligence, for violation of Miss. Code Ann [sic] § 83-7-3 . . . and for violation of the Mississippi Consumer Protection Action . . . and for conversion" However, the Complaint actually includes only the five Counts described above.

wrongful act against any of the Plaintiffs. As such, the only possible reason for them being named as Defendants is to destroy diversity.

Additionally, because of the severe nature of Plaintiffs' allegations and the types of relief they seek, the amount in controversy in this case exceeds \$75,000, exclusive of interest and costs, notwithstanding Plaintiffs' insincere claims to the contrary (see Complaint, ¶ 75). Defendants remove this action to this Court based on federal question and diversity grounds, because Plaintiffs' Complaint presents claims that are federal in nature and because Life of Georgia is the only proper defendant in this action (if at all) and the true amount in controversy exceeds the jurisdictional minimum of \$75,000.

III. DISCUSSION AND RELEVANT AUTHORITIES

A. Federal Question Jurisdiction

28 U.S.C. § 1331 confers original jurisdiction on the federal District Courts "of all civil actions arising under the Constitution, laws, or treaties of the United States." The statutory "arising under" language has been construed to mean "[a] suit arises under the law that creates the cause of action" – or a suit that could not exist but for the rights created by a particular federal law. American Well Works v. Layne & Bowler Co., 241 U.S. 257, 260 (1916). The facts that form the basis of Plaintiffs' claims in this lawsuit can only be pursued under federal law, specifically 42 U.S.C. § 1981 or § 1982.

1. Plaintiffs' Claims of Unlawful Race Discrimination in the Making of Contracts Raise a Substantial Federal Question.

To succeed on any of their claims, Plaintiffs must, as a preliminary matter, demonstrate racially discriminatory pricing of insurance premiums. Even a cursory review of Plaintiffs'

Complaint reflects that all of their claims are based on the factual allegation of race discrimination.

The following excerpts are but a few examples of the nature of Plaintiffs' allegations:

- "Plaintiffs' selection of product(s) to be purchased was internally [sic] limited by the Defendants because of the Plaintiffs' race and color . . ." Complaint, ¶ 81(b).
- "... the premiums were . . . higher than what would have been paid for comparable coverage by Caucasian Americans . . ." *Id.*, ¶ 81(c).
- "Defendants additionally based higher premiums for Blacks on 'socio-economic' factors and underwriting where premiums were raised based purportedly on occupation, social traits and living conditions all the while being disguised, but actually being racial discrimination . . ." *Id.*, ¶ 81(e).

In this case, there can be no dispute that unlawful race discrimination in the making of the insurance contracts at issue is the sole substance of Plaintiffs' claims. Indeed, Count V of Plaintiffs' Complaint is for "race discrimination." Without the allegation that Life of Georgia committed unlawful race discrimination in pricing its insurance contracts, there can be no "fraud," misrepresentation, or omission upon which Plaintiffs can base their purported fraud-type claims contained in Counts I through IV of their Complaint. In short, without the claims of illegal race discrimination, Plaintiffs' non-discrimination claims are reduced to theoretical causes of action left in search of supporting facts. As such, Plaintiffs' only claim is their "discrimination" claim. Unlawful race discrimination in making contracts unquestionably is not only central to all of Plaintiffs' claims, it is the essential aspect of those claims.

Mississippi state law does not, however, provide a cause of action for allegations of unlawful race discrimination in making contracts. See Davis v. Vesta Fire Ins. Corp., 1996 WL 774530, *1, No. CIV. A. 3:96-CV-549LN (S.D. Miss. Aug. 29, 1996) ("Nor is there any other cause of action cognizable under Mississippi law for discrimination based on race or any other protected class"); Jackson v. Mississippi Farm Bureau Mut. Ins. Co., 947 F. Supp. 252, 255 (S.D. Miss. 1996).

Mississippi does not have a civil rights statute comparable to 42 U.S.C. § 1981 or § 1982. Plaintiffs' claims must arise, if at all, under federal law – no other source for the claims is available.

For jurisdictional purposes, it is of no consequence that Plaintiffs' allegations of unlawful race discrimination in making contracts are not presented as a federal cause of action. See Jackson, supra at 256-57 ("Plaintiffs' characterization of their claims as arising solely under state law (or their refusal to correctly denominate the claim as federal) is not controlling."). Federal jurisdiction is invoked even where a federal question is hidden by plaintiffs' "artful pleading" or purported reliance on state claims in the Complaint. See id. at 255 ("[p]laintiffs may not avoid federal jurisdiction simply by failing to denominate as federal what is in substance a federal claim, i.e., by artful pleading") (citation omitted). See also Carpenter v. Wichita Falls Indep. Sch. Dist., 44 F.3d 362, 366 (5th Cir. 1995) ("where the plaintiff necessarily has available no legitimate or viable state cause of action, but only a federal claim, he may not avoid removal by artfully casting his federal suit as one arising exclusively under state law"). Nor does it matter that Plaintiffs expressly disavow any federal claims. Jackson, 947 F. Supp. at 256 ("[p]laintiff[s] may not avoid federal jurisdiction by 'stipulating' on the one hand that they are not pursuing a federal cause of action while at the same time continuing to assert what the court has concluded is a federal claim."). Rather, the test for federal question jurisdiction is whether Plaintiffs' allegation of unlawful race discrimination in making contracts is a necessary or essential component of the claims they assert. See Carpenter, 44 F.3d at 366; Medina v. Ramsey Steel Co., Inc., 238 F.3d 674, 690 (5th Cir. 2001).

Because illegal race discrimination is an essential and necessary element of each cause of action alleged in their Complaint, Plaintiffs' claims are cognizable, if at all, only under federal law. See Jackson, 947 F. Supp. at 255 ("[a] cause of action to which a charge of race discrimination is

central, or essential, would necessarily be federal since Mississippi . . . has not otherwise provided for or recognized a cause of action for race or other types of class-based discrimination." By strategically omitting any mention of federal law, Plaintiffs are trying to avoid federal jurisdiction and deprive Defendants of their right to be heard in federal court. Plaintiffs' tactics notwithstanding, the Complaint actually raises a federal question, specifically a race discrimination claim under 42 U.S.C. §§ 1981 and 1982. Moreover, even if any of Plaintiffs' "state law" claims were viable as pleaded (which they are not), this Court should exercise supplemental jurisdiction over them because they are part of the same "case or controversy" as Plaintiffs' federal claims. 28 U.S.C. § 1367. Accordingly, jurisdiction properly lies in this Court.⁵

2. The Artful Pleading Doctrine Applies to this Case.

A District Court generally determines whether it has jurisdiction under section 1331 by looking to the plaintiff's "well-pleaded complaint" and deciding whether a federal question is raised on the face of the complaint, as opposed to being embedded in a defense or a counterclaim. See Franchise Tax Bd., 463 U.S. 1, 10 (1983). Under the "artful pleading" doctrine, however, a District Court does not simply accept a plaintiff's characterization of his or her claims, but rather "should inspect the complaint carefully to determine whether a federal claim is necessarily presented, even if the plaintiff has couched his pleading exclusively in terms of state law." In re Carter, 618 F.2d 1093, 1101 (5th Cir. 1980). The artful pleading doctrine "does not convert legitimate state claims into federal ones, but rather reveals the suit's necessary federal character." See Carpenter, 44 F.3d at 367 (internal citation omitted). "The artful pleading doctrine recognizes that the characterization

⁵As noted above, Plaintiffs are aware that numerous claims which are identical or virtually identical to those asserted in this case are currently pending in the MDL Court. See In re Life Ins. Co. of Georgia Industrial Life Ins. Litig., MDL No. 1390. The MDL Court has properly found that such claims are essentially federal in nature. Currently, the MDL Court has taken jurisdiction in over 80 actions.

of a federal claim as a state claim will not in all cases prohibit removal when the plaintiff has no state claim at all. . . ." See id. Such is the case here.⁶

The most recent Fifth Circuit decision on this issue reaffirms the principle that federal question jurisdiction exists where a plaintiff asserts claims that necessarily rely upon federal law, even if the plaintiff has couched his pleading exclusively in terms of state law. See Medina v. Ramsey Steel Co., Inc., 238 F.3d 674, 680 (5th Cir. 2001). In Medina, the plaintiff filed suit claiming age discrimination but asserting claims only under Texas state law. The defendant removed after the plaintiff amended the complaint to seek remedies (back pay and liquidated damages) provided only by federal law. The District Court refused to remand the case, and the Fifth Circuit affirmed, stating that removal is proper when "a federal right is an essential element of the plaintiffs' cause of action." Id. Because the rights the Medina plaintiff sought to assert in the amended complaint were available only under federal law, and not under the state law under which he claimed to sue, a federal right was an essential element of his case. Id.

Similarly, in this case, Plaintiffs may not recover for allegedly unlawful race-based discrimination in the making of insurance contracts. Private remedies for such alleged offenses are available only under federal law. Plaintiffs' claims of race discrimination, therefore, necessarily

⁶The "complete preemption" rule does not apply in this case because it is Plaintiffs' Complaint that presents a federal question, not Defendants' responsive pleadings. See Waste Control Specialists v. Envirocare of Texas, 199 F.3d 781 (5th Cir. 2000); Rivet v. Regions Bank, 522 U.S. 470 (1998). When a defendant removes an action on federal question grounds simply because a federal law is raised as a defense, the defendant must show that the federal law used as a defense completely preempts state law. See Terrebonne Homecare, Inc. v. SMA Health Plan, Inc., 271 F.3d 186 (5th Cir. 2001); A.O. Smith Corp. v. The American Alternative Ins. Corp., No. 99-3347, 2000 WL 28177 (E.D. La. Jan. 12, 2000). In this case, however, Defendants are not asserting federal law as a defense, but instead contend that Plaintiffs' Complaint raises a substantial federal question *on its face*. Waste Control and Rivet, therefore, do not apply.

raise a substantial question of federal law that Defendants are entitled to have heard by a federal court.

B. Diversity Jurisdiction

Diversity jurisdiction is proper under 28 U.S.C. § 1332 when there is "complete diversity of citizenship of the named parties and an amount in controversy in excess of \$75,000, exclusive of interest and costs." See Manguno v. Prudential Prop. and Cas. Ins. Co., 276 F.3d 720, 723 (5th Cir. 2002). Life of Georgia is a Georgia corporation with its principal place of business in Georgia (Complaint, ¶ 2). Life of Georgia is therefore a citizen of the state of Georgia. The Individual Defendants are alleged to be residents of the state of Mississippi. (Id., ¶¶ 4-73.)

The Individual Defendants plainly have been fraudulently joined, as Plaintiffs have no possibility of recovering against any of them. Accordingly, these parties' citizenship should be disregarded for diversity purposes. Additionally, because of the severe nature of Plaintiffs' allegations and the types of relief they seek, the true amount in controversy in this case exceeds \$75,000, exclusive of interest and costs, regardless of the Complaint's claims to the contrary. Because complete diversity exists and the true amount in controversy exceeds \$75,000, this Court should exercise diversity jurisdiction pursuant to 28 U.S.C. § 1332.⁷

1. The Non-Diverse Parties Have Been Fraudulently Joined.

When parties have been fraudulently joined to destroy diversity, a District Court may disregard those parties' citizenship for purposes of exercising subject matter jurisdiction. Federal courts recognize at least two types of fraudulent joinder: (1) when there is actual fraud in the

⁷Should Plaintiffs file a motion to remand this action, Defendants will seek remand-related discovery, pursuant to Mississippi Uniform District Court Rule 16.1 (B)(2)(b), which Defendants believe will uncover substantial evidence supporting the arguments set forth below.

plaintiff's pleading of jurisdictional facts; and (2) when there is no possibility that the plaintiff can state a claim against the non-diverse defendant(s). See Griggs v. State Farm Lloyds, 181 F.3d 694, 699 (5th Cir. 1999); Burden v. General Dynamics Corp., 60 F.3d 213, 217 (5th Cir. 1995); Cavallini v. State Farm Mut. Auto Ins. Co., 44 F.3d 256, 259 (5th Cir. 1995).

a. The Individual Defendants have been fraudulently joined because they cannot be liable under the facts alleged in Plaintiffs' Complaint.

The Complaint contains no factual or legal basis for joining the Individual Defendants in this litigation. The Complaint does not allege which Individual Defendant allegedly wronged which Plaintiff, let alone allege specifically what each Individual Defendant's allegedly wrongful acts were. It is obvious that Plaintiffs only are interested in (and actually are) pursuing Life of Georgia as a Defendant, and that the Individual Defendants are guilty of nothing more than being Mississippi residents.⁸ Indeed, Plaintiffs' Complaint does not even allege service addresses, or an intent to serve, the vast majority of the Individual Defendants.

As a result, the Individual Defendants' citizenship should be ignored and they should be dropped from the case as Defendants. When the citizenship of the fraudulently joined non-diverse Individual Defendants is disregarded and only proper parties (Plaintiffs and Life of Georgia) are included in the litigation, complete diversity exists, and this Court has jurisdiction under 28 U.S.C. § 1332(a)(1).

⁸Even if there were claims against these particular Individual Defendants, the facts as pled support either liability against Life of Georgia, or liability against the Individual Defendants, but not both. See *infra*. It is therefore plain that Plaintiffs have fraudulently joined the Individual Defendants in this action for the sole purpose of attempting to destroy this Court's diversity jurisdiction.

i. There is no factual basis for any claim against the Individual Defendants.

Plaintiffs' Complaint fails to allege facts that, even if taken as true, would support a finding of actionable wrongdoing by any of the Individual Defendants. The Complaint says nothing about Individual Defendants' alleged individual actions. The Complaint also tacitly admits that these Plaintiffs are not able to identify any of the Individual Defendants as the alleged individual wrongdoers; the most specific allegation of wrongdoing by an individual is directed at the John Doe Defendants. (See Complaint, ¶ 90). Plaintiffs offer no explanation why they have sued the particular Individual Defendants who are named. Defendants submit that they do not because the explanation is one of jurisdictional manipulation.

Plaintiffs do not allege – because they cannot truthfully do so – that any of the Individual Defendants have had any involvement with rate-setting or underwriting. As a result, none could have committed the core acts alleged in Plaintiffs' Complaint, i.e., setting premiums at a higher rate for African-Americans than for Caucasians. The Individual Defendants should be dismissed immediately for this reason alone, and should not be considered for jurisdictional purposes.

What allegations there are against the Individual Defendants are wholly conclusory. But a "plaintiff must plead specific facts, not mere conclusory allegations." Addison v. Allstate Ins. Co., 58 F. Supp. 2d 729, 734 (S.D. Miss. 1999) (non-diverse defendant was fraudulently joined where Complaint contained only conclusory allegations as to individual) (internal citation omitted). See also Sancier v. Reserve Nat'l Ins. Co., No. 3:95CV853LN, Memorandum Opinion and Order at p. 6 (S.D. Miss. Feb. 5, 1996) ("[a] plaintiff may not avoid federal jurisdiction simply by incanting such conclusory legal characterizations as these. Rather, the plaintiff must identify the facts which, if proven, would support a finding that [the agent] committed some independent wrong for which he

could potentially incur liability") (emphasis in original); Brabham v. Brabham, 483 So. 2d 341, 342 (Miss. 1986); Shushany v. Allwaste, Inc., 992 F.2d 517, 521 (5th Cir. 1993).

Plaintiffs must state specific, viable claims against the Individual Defendants for their citizenship to be considered:

Plaintiffs appear to argue that any mere theoretical possibility of recovery under local law – no matter how remote or fanciful – suffices to preclude removal. We reject this contention. As the cited authorities reflect, there must at least be arguably a *reasonable* basis for predicting that state law would allow recovery in order to preclude a finding of fraudulent joinder.

Badon v. RJR Nabisco Inc., 236 F.3d 282, 286 & n.4 (5th Cir. 2000).⁹ See also Rainwater v. Lamar Life Ins. Co., No. 2:01-CV-179PG, 2003 WL 397780 (S.D. Miss. Feb 14, 2003) (quoting B., Inc. v. Miller Brewing, 663 F.2d 545, 550 (5th Cir. 1981)) ("to determine that there is 'no possibility' of recovery, the district court must determine whether as 'a matter of law, there [is] no reasonable basis for predicting that the plaintiff might establish liability against a named in-state defendant in state court'"). To hold otherwise would gut the fraudulent joinder doctrine, which is essential to protecting a diverse defendant's right to a federal forum.

Federal jurisdiction exists unless there truly is a reasonable possibility of recovery against the Individual Defendants because, as the Fifth Circuit has observed, "... removal based on diversity of citizenship is a right conferred by Congress, the need for which may well be greatest when the plaintiff tries hardest to defeat it." Grassi v. Ciba-Geigy, Ltd., 894 F.2d 181, 185 (5th Cir. 1990)

⁹Badon cited five other Fifth Circuit cases, spanning the past four decades, all making it clear that the "possibility" of viable claims must be a *reasonable* possibility.

(internal citation omitted). It was to guard this right, and to protect federal jurisdiction, that the United States Supreme Court developed the fraudulent joinder doctrine:

While the plaintiff, in good faith, may proceed in the state courts upon a cause of action which he alleges to be joint, it is equally true that the Federal courts should not sanction devices intended to prevent a removal to a Federal court where one has that right, and should be equally vigilant to protect the right to proceed in the Federal court as to permit the state courts, in proper cases, to retain their own jurisdiction.

Wecker v. National Enameling & Stamping Co., 204 U.S. 176, 185-86 (1907).

When Plaintiffs' Complaint is read as a whole, it is clear that the Individual Defendants are not directly accused of any specific unlawful conduct, and that Plaintiffs instead allege that **Life of Georgia** is guilty of a centralized scheme of intentionally discriminatory misconduct. The policies allegedly at issue are Life of Georgia policies, allegedly sold by its agents and employees, pursuant to its alleged practice and policies. Complaint, ¶¶ 2, 3, 67, 73, 79-81, 84, 90. Therefore, Plaintiffs' own allegations show that the Individual Defendants have been fraudulently joined, and that this Court has diversity jurisdiction over this matter. See Lewis v. Wyeth-Ayerst Pharm., Inc., Civil Action No. 5:00CV102 LN (S.D. Miss. Sep. 25, 2000) (overall theme of complaint belied suggestion of individual liability on the part of the non-diverse defendants).¹⁰

Defendants anticipate that Plaintiffs will try to argue that there is no fraudulent joinder in this case pursuant to the holding in a recent Fifth Circuit decision, Smallwood v. Ill. Central R.R. Co.,

¹⁰Even if Plaintiffs' Complaint were to state a colorable claim against the Individual Defendants, "in testing for fraudulent joinder the district court in its discretion may 'pierce the pleadings'" and fraudulent joinder is established if summary judgment type evidence demonstrates that, "'as a matter of law, there [is] no reasonable basis for predicting that the Plaintiff might establish liability against a named in-state defendant in state court.'" Badon, supra, 224 F.3d at 389 n.10 (5th Cir. 2000) (quoting Burden v. General Dynamics Corp., 60 F.3d 213, 217 (5th Cir. 1995)); see also Coleman, 238 F. Supp. 2d at 809 (citing Cavallini, 44 F.3d at 256). This type of evidence will be gathered through remand-related discovery.

342 F.3d 400 (5th Cir. 2003). Smallwood held that there could not be fraudulent joinder where the diverse and the non-diverse defendants (who, unlike here, were not employer and employee) were both entitled to the same defense (specifically, that a federal statute pre-empted the claims against both). 342 F.3d at 405-6. Smallwood does not apply to a case such as this one, where the defenses that preclude liability against the non-diverse defendants (see discussion infra) do not apply to the diverse defendant. Nor does Smallwood apply where, as here, the Complaint makes no specific factual allegations against the particular individuals named as non-diverse defendants. In sum, Smallwood does not apply in this case because the arguments herein relate specifically to the fraudulently joined Individual Defendants.

ii. There is no legal basis for any claim against the Individual Defendants.

Even if the Individual Defendants had some factual connection to the policies at issue in this suit, none of the claims directed at the Individual Defendants would be actionable. The Coleman case is particularly instructive on this point. There, as here, the claims asserted against the individual defendants were fraud-based, and the court dismissed the claims against the individual defendants because the "Plaintiffs failed to assert claims against the Individual Defendants for which recovery may be awarded in state court." See Coleman, 238 F. Supp. 2d at 814. There, as here, the defenses that precluded liability applied uniquely to the non-diverse, individual defendants.

b. Statute of Limitations/Laches

The statute of limitations and the doctrine of laches would bar any possibility of recovery against any Defendant in this case. However, while the Statute of Limitations is an issue that Life

of Georgia and the Individual Defendants have in common, it is not the same defense due to the different theories of liability and the specific facts which relate to the claims against Defendants.¹¹

Plaintiffs allege Life of Georgia engaged in a continuing pattern of fraudulent conduct by failing to disclose information to Plaintiffs. In contrast, the Individual Defendants are alleged to have failed to disclose this information to Plaintiffs at the point of sale. Any claim in Plaintiffs' Complaint against the Individual Defendants arose, if at all, at the time Plaintiffs purchased their policies, i.e., the point of sale. Dunn v. Dent, 153 So. 798 (Miss. 1934). Accord Stasher v. Union Nat'l Life Ins. Co., No. 3:00-CV-58BN (S.D. Miss. March 29, 2000) (complaint alleging insurance agents "fraudulently induced [plaintiff] to apply for and pay for" certain policies, and that "but for [agents] solicitation and fraudulent representations, [plaintiff] would not have agreed to purchase these policies" was barred by the statute of limitations because "any alleged fraudulent statements made by [agent] in inducing [plaintiff] to purchase the policies 'were made at the time the policies were purchased, seventeen years prior to filing'").¹² This distinction is important because, on the one hand, the Plaintiffs allege Life of Georgia had discriminatory policies and practices as an institutional matter. If this is true, and the Individual Defendants are accused of no more than carrying out those alleged policies, then the Individual Defendants cannot, as a matter of law (as discussed infra), be liable for their acts. However, if the Individual Defendants independently

¹¹For example, Plaintiffs' claims for fraud against the Individual Defendants relate to the specific representations, actions or inactions each Individual Defendant made. Thus a highly fact-specific inquiry that applies here.

¹²Plaintiffs' claims are subject to Mississippi's general three to six year statute of limitations. Miss. Code. § 15-1-49(1). Section 15-2-49 applies a six year statute of limitations to all causes of action accruing before March 12, 1990, and a three year limit to claims accruing on or after that date. See Peters v. Metropolitan Life Ins. Co., 164 F. Supp. 2d 830, 837-38 (S.D. Miss. 2001). The distinction is meaningless in this case because Plaintiffs' claims, if any, accrued decades ago, and would be barred by either limit. Likewise, for the same reasons, the doctrine of laches bars their equitable claims.

committed illegal acts against any Plaintiff, then those acts were not the policy or practice of Life of Georgia and were not within the scope of any Individual Defendant's employment. As such, while there is a statute of limitations defense for every Defendant in this case, the specific claims – legal and factual – to which that defense applies are strikingly different for each Defendant and are therefore outside the scope of the Smallwood holding.

Just last year, the Mississippi Supreme Court reaffirmed this long-standing principle. In Stephens v. Equitable Life Assurance Soc'y, 850 So. 2d 78 (Miss. 2003), the plaintiffs brought suit alleging fraud and oral misrepresentations in connection with certain life insurance policies issued in 1972. The Mississippi Supreme Court dismissed plaintiff's claims, finding that the alleged fraud occurred at the point of sale, and that since the purchases of the policies were made in 1972, the causes of action for fraud and misrepresentation accrued in 1972. Id. at 83.

Plaintiffs' offhand reliance on a poorly articulated "fraudulent concealment" theory does not avoid the effect of the limitations period on the Individual Defendants. The Complaint fails to allege the requisite elements to rely on a fraudulent concealment theory as to the Individual Defendants. As set forth by the Mississippi Supreme Court in Stephens, "the plaintiffs have a two-fold obligation to demonstrate that (1) some affirmative act or conduct was done and prevented discovery of a claim, and (2) due diligence was performed on their part to discover it." Id. at 84. See also Thomas v. Ford Motor Credit Corp., 1997 U.S. Dist. LEXIS 23024, at *5 (S.D. Miss.). Nowhere in their Complaint is there even a hint that Plaintiffs exercised any diligence, much less due diligence, in connection with their alleged claims. Additionally, when fraudulent concealment is "pled in a complaint, as the Plaintiffs have done in this case . . . the claims fall under the purview of 'fraud' claims that must be pled specifically under the requirements of Rule 9(b)." Coleman, 238 F. Supp. 2d at 813. As is

more fully explained below, Plaintiffs have made no effort to plead the necessary elements of a fraud claim against any of the Individual Defendants.

Recently, the Fifth Circuit recognized and applied the rule and rationale expressed in Stephens and its predecessors, when the Court of Appeals affirmed the denial of remand in Ross v. Citifinancial, Inc., 344 F.3d 458 (5th Cir. 2003). The Fifth Circuit issued the Ross opinion after its ruling in Smallwood, implicitly recognizing that Smallwood does not apply in the context of fraud-type claims, which are necessarily dependent on facts and allegations specific to each Defendant.

Finally, any possible equitable claims against the Individual Defendants would be barred by the doctrine of laches. See Grant v. State, 686 So. 2d 1078, 1089 (Miss. 1996); see generally Holmberg v. Armbrrecht, 327 U.S. 392, 396 (1946). In sum, both law and equity require that the stale and otherwise unviable claims against the Individual Defendants be dismissed as grossly untimely. Because they are properly dismissed, Plaintiffs' claims against the Individual Defendants have no reasonable chance of success.

c. Specific Purported Causes of Action

i. Fraud-Type Claims

While the Complaint nominally purports to allege fraudulent conduct by the Individual Defendants, it fails, as it must, to allege all nine elements of a fraud-type claim as to each. Plaintiffs' allegations therefore fail to state any fraud-type claim against the Individual Defendants as a matter of law because they fail to comply with Rule 9(b) of the Mississippi Rules of Civil Procedure. In Mississippi, "[t]he circumstances of the alleged fraud such as the time, place and contents of any

false representations or conduct must be stated." Brabham, supra, 483 So. 2d at 342; see also Allen v. Mac Tools, Inc., 671 So. 2d 636, 642 (Miss. 1996); Coleman, 238 F. Supp. 2d at 813.¹³

Similarly, to the extent that Plaintiffs' Complaint attempts to state a claim for fraudulent omission against the Individual Defendants, it fails because it does not allege facts that would give rise to a duty to speak. Fidenas A.G. v. Honeywell, Inc., 501 F. Supp. 1029, 1039-40 (S.D.N.Y. 1980) (complaint failed to satisfy Rule 9(b) where it failed to allege a relationship between the parties that would give rise to a duty to disclose); Chrysler Credit Corp. v. Whitney Nat'l Bank, 824 F. Supp. 587, 598 (E.D. La. 1993). Nor does the Complaint allege "some action, affirmative in nature" that each of the Individual Defendants committed, which is the *sine qua non* of a misrepresentation claim based on omission or concealment. Rankin v. Brokman, 502 So. 2d 644, 646 (Miss. 1987). In any event, any such a claim would also be barred by the fact that the Individual Defendants could not possibly have concealed from Plaintiffs the amount of the premiums that the Plaintiffs themselves paid. Any claimed reliance to the contrary would be unreasonable as a matter of law. See, e.g., Barhonovich v. American Nat'l Ins. Co., 947 F.2d 775, 778 (5th Cir. 1991) (as a matter of law, insured's reliance on agent's claims were unreasonable); American States Ins. Co. v. Natchez Steam Laundry, 131 F.3d 551, 555 (5th Cir. 1998); Watson v. First Commonwealth Life, 686 F. Supp. 153, 155 (S.D. Miss. 1988); Titan Indem. Co. v. City of Brandon, 27 F. Supp. 2d 693 (S.D. Miss. 1997); Wayne Griffen & Sons, Inc. v. U.S.F.&G., No. 3:93CV97-B-A (N.D. Miss. Jan. 9, 1995) (as a matter of law, insured's reliance on alleged misrepresentation was unreasonable); Pulmonary Advisory Servs., Inc. v. Aetna Life & Cas., No. 3:99CV913LN (S.D. Miss. May 19,

¹³Likewise, in federal court, "[a]t a minimum, Rule 9(b) requires allegations of the particulars of time, place and contents of the false representations, as well as the identity of the person making the misrepresentation and what he obtained thereby." Tel-Phonic Servs., Inc. v. TBS Int'l, Inc., 975 F.2d 1134, 1139 (5th Cir. 1992).

2000), p. 8 ("[I]t is clear beyond question that Plaintiffs' claim against the agents cannot possibly succeed for another reason urged by the defendants, namely, that Plaintiffs cannot prove that they reasonably relied on the agents' alleged misrepresentations that were contrary to the terms of the policy.").

Finally, when a Complaint alleges fraud on the part of two or more defendants, as Plaintiffs attempt to do, Rule 9(b) requires that a plaintiff *separately identify for each defendant* those facts alleged to give rise to a fraud claim. Thornton v. Micrografx, Inc., 878 F. Supp. 931, 938 (N.D. Tex. 1995). A complaint that "lump[s] together all of the Defendants in [its] allegations of fraud," and is "devoid of specific allegations with respect to the separate Defendants," is inadequate and fails to meet Rule 9(b) standards. Brooks v. Blue Cross and Blue Shield of Fla., Inc., 116 F.3d 1364, 1380-81 (11th Cir. 1997); see also Coleman, 238 F. Supp. 2d at 812 ("In short, the fraud claims in the Complaint are broad and general allegations which fail to identify the specifics of the fraudulent statements, the person(s) who made the statements, the person(s) to whom the statements were made, and the location(s) and time(s) at which the statements were allegedly made. Under these circumstances, the Court finds that Plaintiffs' fraud claims against the Individual Defendants . . . should be dismissed.").

In this case, Plaintiffs' Complaint does not set forth separate allegations against each of the Individual Defendants specifically. Rather, the Complaint alleges that Life of Georgia made fraudulent misrepresentations, but says nothing as to any specific Individual Defendant. Thus, Plaintiffs' Complaint cannot state independent fraud claims against all the Individual Defendants. Ross v. Citifinancial, *supra*.

ii. State Statutory Claims

The statutory claims under the Mississippi Insurance Code – Plaintiffs' so-called "Discrimination Under Mississippi Law" claim – against the Individual Defendants are similarly baseless.¹⁴ This Code section applies to insurance companies; the terms of the statute do not apply to agents in their individual capacities.¹⁵ Accordingly, Plaintiffs' state statutory "discrimination" claim against the Individual Defendants cannot proceed as a matter of law.

d. Summary of Fraudulent Joinder.

Because there is no factual or legal possibility of recovery against them, the Individual Defendants have been fraudulently joined in this action. As discussed above, it is apparent that Plaintiffs have not alleged any viable claims against the Individual Defendants. Because the only reason Plaintiffs have named the non-resident Plaintiffs and the Individual Defendants is to attempt

¹⁴The Mississippi Insurance Code precludes insurance companies from making "any distinction or discrimination in favor of individuals of the same class and equal expectation of life in the amount of payments of rates charged for policies of life or endowment insurance." Miss. Code § 83-5-37.

¹⁵As such, this is yet another instance where the Individual Defendants have a defense that does not apply to Life of Georgia. There are defenses to Plaintiffs' state statutory claims, however, which are common to all Defendants. First, the Mississippi Insurance Code does not provide a private right of action. Rather, the proper party to investigate and bring actions for alleged violations of the Insurance Code is the insurance commissioner, not individual Mississippi citizens. See Miss. Code § 83-5-37; Watson v. First Commonwealth Life Ins. Co., 686 F. Supp. 153, 155 (S.D. Miss. 1988) (Mississippi Insurance Code provides no private right of action). Plaintiffs' claims under the MCPA are also encompassed by the Insurance Code's regulation of unfair trade practices and deceptive acts. Miss. Code § 83-5-29 (purpose of Insurance Code is to regulate insurance trade by defining and prohibiting unfair and deceptive trade practices); § 83-5-35 (defining unfair and deceptive trade practices by insurance companies and their agents). This means Plaintiffs are required to engage in the dispute resolution proceedings required by the MCPA prior to bringing suit. See Miss. Code § 75-24-15(2). Upon information and belief, none of the Plaintiffs has done this. Finally, even if the Plaintiffs satisfied the statutory prerequisites to bringing a private right of action under the MCPA, such an action would not be available for these particular Plaintiffs with respect to their insurance policies because the MCPA applies only to "goods or services." Miss. Code § 75-24-15(1). As a matter of law, insurance contracts are neither a "good" nor a "service." See Burley v. Homeowners Warranty Corp., 773 F. Supp. 844, 863 (S.D. Miss. 1990) ("[T]he [insurance] policy at issue in the case at bar is not a 'good' or 'service' . . .").

to destroy diversity, this Court should disregard the citizenship of the non-resident Plaintiffs and the Individual Defendants, and assert diversity jurisdiction over this matter.

2. The Amount in Controversy Exceeds the Jurisdictional Minimum.

When the amount in controversy exceeds \$75,000 and the named parties are completely diverse, a federal court may exercise jurisdiction pursuant to 28 U.S.C. § 1332. See Gebbia v. Wal-Mart Stores, Inc., 233 F.3d 880, 882 (5th Cir. 2000). In determining the amount in controversy, a district court should first look to the face of the complaint and "ask whether the amount in controversy was likely to exceed" the jurisdictional minimum. Allen v. R&H Oil & Gas Co., 63 F.3d 1326, 1336 (5th Cir. 1995). Although Plaintiffs' Complaint purports to seek only \$74,500 (Complaint, ¶ 58) in damages for each Plaintiff, the repeated allegations of intentional, egregious, pervasive, systematic, and malicious misconduct, as well as Plaintiffs' request for punitive damages, make clear that the amount in controversy is well over \$75,000.00.

When claims of a similar nature regularly exceed the jurisdictional minimum, courts often have looked past the plaintiffs' complaint in determining the amount in controversy. See, e.g., Marcel v. Pool Co., 5 F.3d 81, 83-84 (5th Cir. 1993) (amount in controversy exceeded jurisdictional minimum, because plaintiffs with similar types of injuries were regularly awarded large awards). Here, Plaintiffs seek actual and punitive damages. (Complaint, Preamble, ¶ 58.) Similar claims against insurance companies in Mississippi often involve significant punitive damages awards. See, e.g., State Farm Mut. Auto. Ins. Co. v. Grimes, 722 So. 2d 637 (Miss. 1998) (\$1.2 million award); Employers Mut. Cas. Co. v. Tompkins, 490 So. 2d 897 (Miss. 1986) (\$400,000 award); Bankers

Life & Cas. Co. v. Crenshaw, 483 So. 254 (Miss. 1985) (\$1.6 million award).¹⁶ As such, Defendants submit that Plaintiffs' requested damages amount is \$74,500 only so that Plaintiffs can attempt to avoid federal jurisdiction. If this Court were to remand this case, Plaintiffs would waste no time in seeking an amount much greater than \$75,000. In fact, in order to prevent such forum shopping, the Fifth Circuit has held that a mere claim of an amount less than the jurisdictional limit in the Complaint is insufficient to prevent removal. DeAguilar v. Boeing Co., 47 F.3d 1404 (5th Cir. 1995) (absent state law limiting damages to amount requested in Complaint, plaintiff who seeks to prevent removal must file a binding stipulation or affidavit with Complaint). Plaintiffs have not submitted sworn testimony confirming an intent to accept damages below the jurisdictional limit. Unless and until each Plaintiff does so, removal on diversity grounds is proper.¹⁷

Moreover, Plaintiffs are seeking punitive damages. There are 121 Plaintiffs in this case, all alleging severe and pernicious racial discrimination. Accordingly, any claim for punitive damages can reasonably be expected to exceed a total of \$75,000. This is very significant, because although the general rule is that the claimed individual damages of multiple plaintiffs may not be aggregated to reach the jurisdictional minimum, the collective nature of punitive damages under Mississippi law requires that the entire amount of punitive damages be aggregated, and that this whole amount be

¹⁶It is awards like these that have made Mississippi's state courts "... a mecca for Plaintiff's claims against out-of-state businesses" Arnold v. State Farm Fire and Cas. Co., 277 F.3d 772, 773 (5th Cir. 2001). In a case that is substantively similar to this case, recognition of these motives caused Judge Lee of the Southern District of Mississippi to hold that "... within the present climate of Mississippi tort law, it is facially apparent the Plaintiff's claims exceed the \$75,000 jurisdictional amount." Johnson v. New England Mut. Life Ins. Co., et al., C.A. No. 4:03cv71LN, slip op., p. 5 (Sept. 4, 2003, S.D. Miss.) (citing, Arnold, supra, 277 F.3d at 775 n. 3). This Court should adopt Judge Lee's skepticism in considering the damages claims in this case.

¹⁷As mentioned previously, If Plaintiffs file a motion to remand, Defendants will seek to utilize remand-related discovery to determine from the Plaintiffs themselves whether any of them are in fact seeking more than \$75,000.

counted toward each plaintiff's amount in controversy. See Allen v. R&H Oil & Gas Co., 63 F.3d 1326, 1333-1135 (5th Cir. 1995). An aggregated punitive damages amount can clearly be expected to push the total amount in controversy over \$75,000.

For each of the foregoing reasons, Defendants submit that the jurisdictional amount in controversy limit is met in this case.

IV. CONCLUSION

Because Plaintiffs' Complaint raises a claim under 42 U.S.C. § 1981 or § 1982, this Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331, and can exercise supplemental jurisdiction over any arguably viable state claims pursuant to 28 U.S.C. § 1367. Additionally, because Plaintiffs have fraudulently joined the Individual Defendants, and because the true amount in controversy in this case clearly exceeds \$75,000, this Court may properly exercise diversity jurisdiction pursuant to 28 U.S.C. § 1332.

WHEREFORE, Defendants hereby remove this action from the Circuit Court of Adams County, Mississippi to the United States Court for the Southern District of Mississippi, Western Division.

Respectfully submitted, this the 13th day of February, 2004.

**LIFE INSURANCE COMPANY OF GEORGIA
PAUL NORRELL, RANDY BRITT, WALTER
MONTGOMERY and PAUL UPTON**

By: *Clair W. Keltner*
One of Their Attorneys

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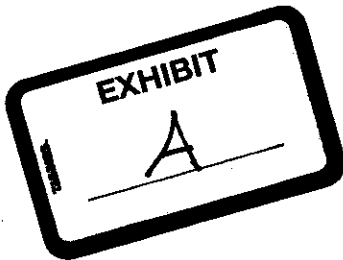
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**IN THE CIRCUIT COURT OF ADAMS COUNTY,
MISSISSIPPI**

I, M. L. "Binkey" Vines, Circuit Clerk of Adams County, do hereby certify
that the following pages are certified copies of the original proceedings filed
in the case of 04-KV-0005-J.

M.L. "Binkey" Vines
Circuit Clerk of Adams County

By: [Signature], D. C.



IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A AULD AND
ALL PLAINTIFFS LISTED ON
ATTACHED EXHIBIT "A",

vs.

CIVIL ACTION NO

04-KV.0001-J

LIFE INSURANCE COMPANY OF
GEORGIA; HARVEY ADCOCK;
F ALLEGREZZA; EDWARD C BLAND;
L BOONE; M R BOONE;
L BOONE, JR; TIMMY
BORGOGNONI; RANDY BRITT;
L BROWN; JANICE BULTON;
L H BUROI; BOBBY BYRNES;
BARBARA COOPER; J K M CRAIG;
PAUL R CUTTING; HENRY DAVIS;
TERRY W DAVIS; CLINTON
DICKERSON; HANK FAVAROTH;
JOHN FELTON; HOWARD
FOREMAN; HOWARD FULGHAM;
S GARNARD; MARVIN GIBBS;
JAMES GRAY; JOHN HAND;
JOHN HARRINGTON; ARNOLD
HENDERSON; E JACKSON;
GREGORY JACKSON; SHIRLEY
JENRETTE; BUBBA JOHNSON;
LES KING; OLIVER KING;
OLEVAR S KING; CRAIG KIRBY;
DAVIS LABELL; GREGG LANE;
J MALLY; IVY MANEY;
MAYO MANGUM; IVY MAUERY;
JAMES MAYS; RALPH G MAYS;
O W MCRAE; IVY MEMIY;
JOHN G MIMBS; WALTER
MONTGOMERY; WILLIAM
MONTGOMERY; PAUL NORRELL;
LARRY O'CONNER; LAWRENCE
M PHILLIPS; A PREWITT;
COCHRAN PRICE; MAXINE SALLEY;
CHARLES SMITH; CLIDE SMITH;
CLYDE W SMITH; CURTIS SMITH;
LESLIE SMITH; LISA THOMPSON;
PAUL UPTON; GILBERT WALDEN;

RECEIVED
AND FILED

JAN 05 2003

M.L. VINES CIRCUIT CLERK
BY _____ D.C.

CERTIFIED
TRUE COPY

JAN 15 2004

M.L. VINES CIRCUIT CLERK
BY [Signature] D.C.

B WALK; HAROLD WALLEY; *
 BEN WALTMAN; JAMES WATSON; *
 PAUL WATSON; SAM WHITAKE; *
 PENNY WOMBLE; and *
 JOHN DOE 1-500, who are those *
 persons, firms, corporations, *
 associations, proprietorships, or other *
 entities whose names and identities *
 are otherwise unknown at this time by *
 the Plaintiffs, but who will be added by *
 amendment when ascertained and *
 who participated in the rating, *
 developing, selling, servicing, *
 handling, collection on and/or canceling *
 of certain insurance policies of Plaintiffs *
 and/or who participated in acts or *
 omissions that caused damage to *
 policies of Plaintiffs and/or who took *
 and/or converted for their own uses *
 money from Plaintiffs' policies and/or *
 who engaged in a conspiracy *
 or participated in acts or omissions *
 which involved said policies and/or *
 who participated in a cover-up or *
 conspiracy of silence to withhold *
 from the Plaintiffs information about *
 the Plaintiffs' policies and including *
 but not limited too the different and *
 discriminatory rates being charged *
 Plaintiffs and others because of their *
 race, and the other products that were *
 more beneficial and reasonable in *
 pricing which could have been sold to *
 Plaintiffs but was not,

Defendants.

COMPLAINT
Preamble

Plaintiffs bring this Complaint solely under state law and not under federal law, and

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TRUE COPY**

JAN 15 2004

M.L. VINES, CIRCUIT CLERK
BY *[Signature]* D.C.

specifically not under the United States Constitution, or any of its amendments, or under 42 USC § 1981 or 1982, or any other federal statute, law, rule, or regulation. Plaintiffs believe and allege that a cause of action exists under the hereinafter set out state law claims for the conduct complained of herein. Federal anti-discrimination laws do not preempt the states for acting under their own common law to protect their citizen from pernicious discrimination and the other activities such as alleged in this complaint; any suggestion to the contrary would be frivolous. This is a lawsuit seeking actual and punitive damages, and attorneys' fees and costs, for fraud and fraudulent inducement, for breach of the duty of good faith and fair dealing, for tortious breach of contract, for breach of fiduciary duty, for assumpsit or money had and received, unjust enrichment and imposition of a constructive trust, for negligence and/or gross negligence, for violation of Miss. Code Ann § 83-7-3 (prohibiting discrimination by life insurance companies in the assessing of premiums to its policyholders), and for violation of the Mississippi Consumer Protection Act (Miss. Code Ann. 75-24-1, *et seq*), and for conversion, all arising out of the sale and handling of certain insurance policies sold and issued to Plaintiffs by Defendants Life Insurance Company of Georgia, Harvey Adcock, F Allegrezza, Edward C Bland, L Boone, M R Boone, L Boone, Jr, Timmy Borgognoni, Randy Britt, L Brown, Janice Bulton, L H Buroi, Bobby Byrnes, Barbara Cooper, J K M Craig, Paul R Cutting, Henry Davis, Terry W Davis, Clinton Dickerson, Hank Favaro, John Felton, Howard Foreman, Howard Fulgham, S Garnard, Marvin Gibbs, James Gray, John Hand, John Harrington, Arnold Henderson, E Jackson, Gregory Jackson, Shirley Jenrette, Bubba Johnson, Les King, Oliver King, Olevar S King, Craig Kirby, Davis Labell, Gregg Lane, J Mally, Ivy Maney, Mayo Mangum, Ivy Mauery, James Mays, Ralph G Mays, O W Mcrae, Ivy Memiy, John G Mimbs, Walter Montgomery, William Montgomery,

Paul Norrell, Larry O'Conner, Lawrence M Phillips, A Prewitt, Cochran Price, Maxine Salley, Charles Smith, Clide Smith, Clyde W Smith, Curtis Smith, Leslie Smith, Lisa Thompson, Paul Upton, Gilbert Walden, B Walk, Harold Walley, Ben Waltman, James Watson, Paul Watson, Sam Whitake, Penny Womble, and John Does 1-500.

PARTIES

1. The name, address, and policy number of Plaintiffs who are insured under the Defendants policies are set forth on Table A, attached to this Complaint. Said table is incorporated into this Complaint as if fully set forth herein.

2. Defendant, LIFE INSURANCE COMPANY OF GEORGIA, ("Life of Georgia") is a foreign corporation, which conducts substantial business in the State of Mississippi, and which has appointed C T Corporation System, 1201 Peachtree Street, Northeast, Atlanta, Georgia, 30361, as its agent for service of process. That at all material times, the Defendant Life of Georgia was conducting business by and through various agents or employees, including Unitrin and the individual defendants, acting in managerial capacities within the purpose and scope of their agency or employment as well as in their individual capacity. The acts and conduct alleged herein of such individual defendants were known to, authorized and ratified by the corporate Defendant Life of Georgia and also violated duties owed to the Plaintiffs by the individual defendants.

3. Defendants John Doe 1-500, are those persons, firms, corporations, associations, proprietorships, or other entities whose names and identities are otherwise unknown at this time by the Plaintiffs, but who will be added by amendment when ascertained and who participated in the ratings, developing, selling, servicing, handling, collection on and/or canceling of certain

insurance policies of Plaintiffs and/or who participated in acts or omissions that caused damage to policies of Plaintiffs and/or who took and/or converted for their own uses money from Plaintiffs policies and/or who engaged in a conspiracy or participated in acts or omissions which involved said policies and/or who participated in a cover up or conspiracy of silence to with hold from the Plaintiffs information about the Plaintiffs' policies and including but not limited to the different and discriminatory rates being charged Plaintiffs because of their race, and the other products that were more beneficial and reasonable in pricing which could have been sold to Plaintiffs but were not.

4. Defendant Harvey Adcock is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

5. Defendant F. Allegrezza is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

6. Defendant Edward C. Bland is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

7. Defendant L. Boone is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

8. Defendant L. Boone, Jr. is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

9. Defendant M. R. Boone is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

10. Defendant Timmy Borgognoni is an adult resident citizen of Mississippi whose address for service is unknown at this time.

11. Defendant Randy Britt is an adult resident citizen of Mississippi, whose address for service is 2358 Blue Bird Drive, Greenville, Mississippi, 38701-8105..

12. Defendant L. Brown is an adult resident citizen of Mississippi, whose address for service of process is unknown at this time.

13. Defendant Janice Bulton is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

14. Defendant L. H. Buroi is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

15. Defendant Bobby Byrnes is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

16. Defendant Barbara Cooper is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

17. Defendant J. K. M. Craig is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

18. Defendant Paul R. Cutting is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

19. Defendant Henry Davis is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

20. Defendant Terry W. Davis is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

21. Defendant Clinton Dickerson is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

22. Defendant Hank Favaro is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

23. Defendant John Felton is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

24. Defendant Howard Foreman is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

25. Defendant Howard Fulgham is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

26. Defendant S. Garnard is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

27. Defendant Marvin Gibbs is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

28. Defendant James Gray is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

29. Defendant John Hand is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

30. Defendant John Harrington is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

31. Defendant Arnold Henderson is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

32. Defendant E. Jackson is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

33. Defendant Gregory Jackson is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

34. Defendant Shirley Jenrette is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

35. Defendant Bubba Johnson is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

36. Defendant Les King is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

37. Defendant Oliver King is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

38. Defendant Olevar S. King is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

39. Defendant Craig Kirby is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

40. Defendant Davis Labell is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

41. Defendant Gregg Lane is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

42. Defendant J Mally is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

43. Defendant Ivy Maney is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

44. Defendant Mayo Mangum is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

45. Defendant Ivy Mauery is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

46. Defendant James Mays is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

47. Defendant Ralph G. Mays is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

48. Defendant O. W. McRae is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

49. Defendant Ivy Memiy is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

50. Defendant John G. Mimbs is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

51. Defendant Walter Montgomery is an adult resident citizen of Mississippi, whose address for service is 4582 Hebron Road, Lexington, Mississippi, 39095-9731.

52. Defendant William Montgomery is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

53. Defendant Paul Norrell is an adult resident citizen of Mississippi, whose address for service is 1583 South Main Street, Greenville, Mississippi, 38701-7008.

54. Defendant Larry O'Conner is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

55. Defendant Lawrence M. Phillips is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

56. Defendant A Prewitt is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

57. Defendant Cochran Price is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

58. Defendant Maxine Salley is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

59. Defendant Charles Smith is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

60. Defendant Clide Smith is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

61. Defendant Clyde W. Smith is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

62. Defendant Curtis Smith is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

63. Defendant Leslie Smith is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

64. Defendant Lisa Thompson is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

65. Defendant Paul Upton is an adult resident citizen of Mississippi, whose address for service is 1011 Anniston Avenue, Gulfport, Mississippi, 39507-2742.

66. Defendant Gilbert Walden is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

67. Defendant B. Walk is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

68. Defendant Harold Walley is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

69. Defendant Ben Waltman is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

70. Defendant James Watson is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

71. Defendant Paul Watson is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

72. Defendant Sam Whitake is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

73. Defendant Penny Womble is an adult resident citizen of Mississippi, whose address for service is unknown at this time.

JURISDICTION AND VENUE

74. This Court has subject matter and personal jurisdiction over the parties to this cause of action. Plaintiffs bring this Complaint solely under state law and not under federal law, and specifically not under the United States Constitution, or any of its amendments, or under 42 USC § 1981 or 1982, or any other federal statute, law, or regulation. Plaintiffs believe and allege that a cause of action exists under the hereinafter set out state law claims for the conduct

complained of herein. Federal anti-discrimination laws have not pre-empted the states from acting under their own common law to protect their citizens from pernicious racial discrimination such as alleged in this complaint; any suggestion to the contrary would be frivolous based on the following rulings from Mississippi federal district courts:

- (a) *Willis, et al. v. Life Ins. Co. of Georgia, et al.*, No. 4:00cv323PB (N.D. Miss. May 30, 2001);
- (b) *McDonald, et al. v. Life Ins. Co. of Georgia, et al.*, No. 5:01cv38WS (S.D. Miss. May 30, 2001);
- (c) *Davenport, et al. v. Mutual Savings Life Ins. Co., et al.*, No. 5:01cv64BrS (S.D. Miss. June 21, 2001).

75. The individual amount in controversy as to each individual Plaintiff does not exceed \$74,500, including interest, any award of attorneys fees, costs, restitution and treble or punitive damages. Plaintiffs specifically disclaim any recovery greater than \$74,500.00, including compensatory damages, treble damages, punitive damages, restitution and awardable attorneys fees and costs. Plaintiffs categorically limit their total claims to \$74,500.00 per Plaintiff.

76. Venue is proper in this Court under Miss. Code Ann. § 11-11-3 and Mississippi Rules of Civil Procedure 20.

FACTS AND ALLEGATIONS

77. Plaintiffs are unsophisticated in insurance matters and at all material times hereto relied on defendants to properly advise them.

78. Plaintiffs are Black-Americans.

79. Between the years of 1941 (or earlier) and the present, Plaintiffs were sold policies of insurance to cover hospital, accident and death expenses. Plaintiffs were sold policies, including low value and/or industrial insurance policies. The policies were sold on the debit route system, and the agents collected the premiums at the Plaintiffs' home on a monthly and/or weekly basis. The policies subject to this litigation are set forth on Exhibit "A" attached hereto.

80. The Defendants held a relationship of trust with Plaintiffs and fiduciary trust obligations because Defendants as insurers, are subject to higher and more stringent standards of conduct. The Defendants cultivated a relationship of trust and confidence with Plaintiffs through Defendants' debit collection system of visiting at their home personally each week/month when Defendants collected the payments, and through their marketing, sales literature, and sales presentations and servicing of the policies sold to Plaintiffs. The Defendants further held themselves out as experts in life insurance and knowledgeable about the premium rates appropriate for the policies, the types of policies that best suited Plaintiffs, and the advantages and disadvantages of purchasing certain of Defendants' products. The Defendants additionally encouraged Plaintiffs to rely on Defendants' expertise in this area, knowing they lacked knowledge of the sophisticated pricing and rating structures used by Defendants.

81. Further, the Defendants, while acting in fiduciary positions of trust to Plaintiffs made the following fraudulent misrepresentations and/or omissions of fact and/or failed to disclose to them the following material facts:

- (a) That certain products sold by the Defendants, which would have benefitted the Plaintiffs, were not offered to Black Americans;

- (b) Plaintiffs' selection of product(s) to be purchased was internally limited by the Defendants because of the Plaintiffs' race and color;
- (c) The low value product(s) sold to Plaintiffs were intentionally offered in order to induce Plaintiffs to purchase a number of them because the premiums separately appeared low and reasonable, but together, the premiums were not low and were not reasonable, and were in fact higher than what would have been paid for comparable coverage by Caucasian Americans;
- (d) The premiums charged Black Americans were actually more than Caucasian Americans, and were based on different rate factors and different rate manuals and books;
- (e) Defendants additionally based higher premiums for Blacks on "socio-economic" factors and underwriting where premiums were raised based purportedly on occupation, social traits and living conditions all the while being disguised, but actually being racial discrimination;
- (f) The products sold to the Plaintiffs were unconscionable products that were calculated to generate profits to Defendants and commissions to its agents with little attending risk to Defendants and with virtually no value to the Plaintiffs;
- (g) The premiums charged by the Defendants were exorbitant in relation to the minimal death benefits actually afforded to Plaintiffs and the risk costs to the Defendants;
- (h) The policies marketed and sold to the Black-Americans are inferior to other insurance products sold by Defendants and other similar types of insurance companies to Caucasians;
- (i) That Plaintiffs were paying more in premiums and obtaining less in benefits because of their race;
- (j) Defendants used different mortality tables/rates for Black-Americans in order to charge them more and higher premiums on their insurance;
- (k) That the mortality tables/rates were used as a pretext by Defendants to justify offering certain, lesser/inferior quality insurance products to Black-Americans only;
- (l) That in later years (after the 1960s), the Defendants continued to

discriminate against Plaintiffs using so-called socio-economic reasons such as job categories and neighborhoods, that were typically held by a majority of the minority segments of society;

- (m) That Defendants were and do still in fact target low income, impoverished, unsophisticated and minority segments of the population and market the policies for sale to these persons;
- (n) That the charging and collecting of premium payments from Black-Americans which were higher than the premiums paid by similarly situated Caucasians with the Defendants or other similarly situated companies, was expressly prohibited by the applicable insurance laws, statutes of Mississippi, and the applicable insurance regulations;
- (o) That the actions of the Defendants were considered unfair trade practices and discriminatory;

82. Said failures to disclose were made with the intention to deceive the Plaintiffs and did so deceive them to their detriment and damage. Had there been full and complete disclosure to the Plaintiffs about what they were purchasing, what was or should have been available to them for purchase, and how the products performed, the Plaintiffs would not have purchased the products from the Defendants.

83. The Defendants stood in fiduciary positions of trust to the Plaintiffs in regard to matters relating to their insurance investments, and the representations of the Defendants made to Plaintiffs about said policies were false, and made by the Defendants with knowledge of their falseness.

84. The Defendants developed and pursued a scheme of racial discrimination and deceptive and wrongful sales practices relating to the marketing, sale and administration of particular types of insurance policies, particularly low value life and industrial life to Black-Americans, and further, actively concealed the racial discrimination which occurred and was

occurring at the time of the Plaintiffs' purchases and ownership of the policies. The Defendants never disclosed that the products and the rates it offered to Plaintiffs were higher than the rates offered to Caucasians by the Defendants and other similarly situated companies, and not as good policies as offered to Caucasians.

85. Plaintiffs allege that various regulations of the Mississippi Department of Insurance and various states statutes were not followed, complied with and/or were violated by the Defendants prior to the sales, at the time of the sales, and/or at the deliveries of the policies involved in this action, including but not limited to Regulations 67-1, 74-3, and 81-001, and Miss. Code Ann. §§ 83-5-33, 83-5-35, 83-7-3, 83-7-115.

86. Plaintiffs further allege that the above was done for the purpose of and with the intent to deceive the Plaintiffs and to cause the Plaintiffs to purchase the policies involved in this action. Said failure to comply with such regulations was fraudulently done with the intent to induce or cause and did induce or cause the Plaintiffs to purchase the policies involved in this litigation, which proximately resulted in damage to Plaintiffs, as set out in this Complaint.

87. Plaintiffs allege that, in connection with the fraudulent conduct on the part of the Defendants, said Defendants, separately and severally, consciously or deliberately engaged in oppression, fraud, conspiracy to commit fraud, with regard to the Plaintiffs.

88. Said actions/inactions alleged herein were originated in part and/or in whole by Defendants and put into action through their agents, servants, and/or employees to induce potential insureds such as Plaintiffs to purchase Life Insurance Company of Georgia products.

89. Further, Plaintiffs allege that the acts and omissions of Defendants were part of a plan, scheme, pattern and practice of all Defendants to misrepresent facts to Plaintiffs and

suppress and conceal facts from Plaintiffs, and that said Defendants have participated in and accomplished the same and/or similar type of actions and inactions on others prior and subsequent to Plaintiffs.

90. Defendants Life Insurance Company of Georgia and Defendants John Doe 1-500, with respect to their agents, employees, and servants, either:

- (a) Knew or should have known of the unfitness of the agents, employees or servants and employed them or continued to employ them, or use their services without proper instruction with disregard to the rights and financial safety and security of the Plaintiffs;
- (b) Authorized the wrongful conduct;
- (c) Ratified the wrongful conduct; and/or
- (d) The acts of said agents, servants or employees were calculated to and did benefit said Defendants.

91. Plaintiffs allege that the acts or omissions of the Defendants as aforesaid were malicious, and that the Defendants deliberately omitted and/or failed to disclose same to Plaintiffs. Defendants' actions were intentional and wrongful and were done without just cause or excuse with the intent to injure the Plaintiffs. The acts or omissions of the Defendants were oppressive and Defendants deliberately omitted and/or failed to disclose to the Plaintiffs the aforesaid material facts. The acts or omissions of the Defendants were oppressive because they subjected the Plaintiffs to cruel and unjust hardship with conscious disregard for the rights of the Plaintiffs. Plaintiffs allege that the Defendants' conduct constituted a pattern or practice of fraudulent acts or omissions.

92. Plaintiffs were not aware of and did not have facts before them to discover the

frauds as alleged herein. Plaintiffs were not sophisticated and knowledgeable in the insurance business and its phrases and terms and was unable to understand the meaning and/or significance of same. Further, Plaintiffs were not capable of reading and comprehending said insurance papers and/or documents.

93. As a proximate consequence of Defendants' actions and inactions, Plaintiffs have been damaged in that they lost much money as payments on their policies; they lost the ability to purchase the products they were told and/or thought they were purchasing; have lost the ability to purchase life insurance at the same price as it could have been purchased when the policies were purchased; suffered extreme emotional distress and/or mental anguish.

COUNT ONE

(Fraudulent Misrepresentation)

94. Plaintiffs hereby re-allege and incorporate by reference all paragraphs above as though fully set forth in detail herein.

95. Plaintiffs bring this action against the Defendants for willful misrepresentation under Mississippi law.

96. Plaintiffs allege that the Defendants made false representations and/or omissions of fact to the Plaintiffs concerning existing material facts as indicated herein, and that such representations and/or omissions of fact were made with knowledge or belief on the part of the Defendants that said representations and omissions of fact were false. Said representations and/or omissions of fact were made by the Defendants with the intent to induce the Plaintiffs to

act, and Plaintiffs did in fact rely upon these representations and/or omissions of fact and acted to their detriment.

97. As a proximate consequence of said willful misrepresentations of the Defendants, Plaintiffs suffered damages as stated above.

COUNT TWO

(Reckless Misrepresentation)

98. Plaintiffs hereby re-allege and incorporate by reference all paragraphs above as though fully set forth in detail herein.

99. Plaintiffs bring this action against the Defendants for reckless misrepresentation under Mississippi law.

100. Plaintiffs allege that the Defendants made reckless misrepresentations and/or omissions of fact to the Plaintiffs concerning existing material facts and that said representations and/or omissions of fact were made by the Defendants recklessly or without sufficient information. Such reckless misrepresentations and/or omissions of fact were made with the intent to induce the Plaintiffs to act, and Plaintiffs relied on said representations and/or omissions of fact to act to their detriment.

101. As a proximate consequence of said reckless misrepresentations of Defendants, Plaintiffs suffered damages as stated above.

COUNT THREE

(Innocent Misrepresentation)

102. Plaintiffs hereby re-allege and incorporate by reference all paragraphs above as though fully set forth in detail herein.

103. Plaintiffs bring this action for innocent misrepresentation under Mississippi law.

104. Plaintiffs allege that the Defendants made innocent misrepresentations and/or omissions of fact concerning existing material facts. Said misrepresentations and/or omissions of fact were made by the Defendants with the intent to induce the Plaintiffs to act, and the Plaintiffs did in fact rely on these representations and/or omissions of fact to their detriment.

105. As a proximate consequence of the innocent misrepresentations of Defendants, Plaintiffs suffered damages as stated above.

COUNT FOUR

(Fraudulent Concealment and Suppression)

106. Plaintiffs re-allege and incorporate by reference all paragraphs above as though fully set forth in detail herein.

107. Plaintiffs bring this action for fraudulent concealment and suppression.

108. Plaintiffs allege that the Defendants fraudulently concealed and suppressed material facts which Defendants had a duty to and were obligated to communicate to the Plaintiffs within the meaning of Mississippi law.

109. Plaintiffs allege that the Defendants had superior knowledge and/or expertise of investment/insurance matters which were not shared by the Plaintiffs, and that Defendants seized upon Plaintiffs' lack of knowledge of investment/insurance matters to sell Plaintiffs insurance which Plaintiffs would not have otherwise purchased if they had full and complete knowledge of the terms of the policies.

110. Plaintiffs suffered damages as stated herein above.

COUNT FIVE

(Discrimination Under Mississippi Law)

111. Plaintiffs re-allege and incorporate by reference all paragraphs above as though fully set forth in detail herein.

112. Plaintiffs are Black-Americans, and Defendants did discriminate against them because of their race in violation of Mississippi statutory law; specifically including but not limited to, Miss. Code Ann., §§ 83-5-33, 83-5-35, 83-7-3, 83-7-115, (1972).

113. Defendants did engage in unfair, discriminatory trade practices in the business of insurance as stated herein above, and did make and permit unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for contracts of life insurance and in the benefits payable, and other terms and conditions of such contract.

114. As a proximate consequence of said discrimination and unfair trade practices and violations of the above statutory sections, Plaintiffs suffered damage as stated herein above.

PLAINTIFFS' PRAYER FOR RELIEF AS TO ALL COUNTS HEREIN

WHEREFORE, Plaintiffs demand judgment in their favor, individually against all Defendants, jointly and severally, in the amount of \$74,500.00 for any and all damages, plus costs and interest.

RAMSEY LAW FIRM, P.C.

BY: _____

JOHN A. PIAZZA (Ms. Bar #100333)
Attorney for Plaintiffs

Of Counsel:

C.E. Sorey, II. (Ms. Bar #7692)
21 N. Florida Street
Mobile, Alabama 36607
(251) 479-5655

PLAINTIFFS RESPECTFULLY REQUEST A TRIAL BY JURY AS TO ALL COUNTS.

The Plaintiffs will serve the Defendant, LIFE INSURANCE COMPANY OF GEORGIA, at the following address by certified mail, return receipt requested, upon receipt of the signed summons:

**Life Insurance Company of Georgia
c/o CT Corporation System
1201 Peachtree Street, Northeast
Atlanta, GA 30361**

The Plaintiffs will serve the Defendant, RANDY BRITT, at the following address by certified mail, return receipt requested, upon receipt of the signed summons:

**Randy Britt
2358 Blue Bird Drive
Greenville, MS 38701-8101**

The Plaintiffs will serve the Defendant, WALTER MONTGOMERY, at the following address by certified mail, return receipt requested, upon receipt of the signed summons:

**Walter Montgomery
4582 Hebron Road
Lexington, MS 39095-9731**

The Plaintiffs will serve the Defendant, PAUL NORRELL, at the following address by certified mail, return receipt requested, upon receipt of the signed summons:

**Paul Norrell
1583 South Main Street
Greenville, MS 38701-7008**

The Plaintiffs will serve the Defendant, PAUL UPTON, at the following address by certified mail, return receipt requested, upon receipt of the signed summons:

**Paul Upton
1011 Anniston Avenue
Gulfport, MS 39507-2742**

Life of Georgia
Exhibit A

No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
1	Deborah F. Allaire	7050 Laverne Drive	Mobile	Mobile	AL	36618		1
2	Floree Anderson by Dianne Anderson	821 Cavley Cove	Greenville	Washington	MS	38701	LOST POLICIES	2
3	Jane Maclin Andrews	2620 Queen M. Johnson Rd.	Lexington	Holmes	MS	39095	██████1024	3
4	Wesley L. Atterberry	813 Graham St.	Ellisville	Jones	MS	39437	██████0408	4
							██████1447	5
							██████1448	6
5	Billie A. Auld	118 Melrose Avenue	Natchez	Adams	MS	39120	██████5517	7
							██████5516	8
							██████6225	9
							██████6228	10
6	Lestine Avant	5160 Thyatira Rd	Como	Tate	MS	38619	██████2259	11
7	Alvin & Brenda Bacon	10 Oscar St	Natchez	Adams	MS	39120	██████5378	12
							██████0239	13
							██████9188	14
							██████2032	15
							██████8310	16
							██████7686	17
8	Vera Davis Ballard	PO Box 506	Fayette	Jefferson	MS	39069	██████6694	18
							██████6695	19
							██████6696	20
9	Catherine Barnes by Cassie Price	719 South Maple	Laurel	Jones	MS	39443	██████0447	21
							LOST POLICIES	22
							██████9944	23
							██████6809	24
							██████8700	25
							██████4959	26
							██████5344	27
10	Marian Barnes	PO Box 873	Laurel	Jones	MS	39441	██████7397	28
							██████7403	29
							██████7398	30
							██████7404	31
							██████1036	32
							██████7400	33
							██████7401	34
							██████6451	35
11	Annie L. Beasley	PO Box 322	Collins		MS	39428	██████6099	36
							██████3915	37
							██████6100	38
							██████3431	39
							██████4322	40
							██████0533	41
							██████9000	42
							██████9046	43
							██████6576	44

Life of Georgia
Exhibit A

No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							4088	45
							4252	46
12	Eamestine B. Bell	408 Erie St	Jackson	Hinds	MS	39203	7158	47
13	Willie Mae Bennett	2024 Michigan Street	Greenville	Washington	MS	38702	7649	48
							2511	49
14	Marsha A. Bester	223 Jarvis St	Laurel	Jones	MS	39440	6263	50
							9888	51
							8880	52
15	Marsha G. Bester	114 South Joe Wheeler St	Laurel	Jones	MS	39440	3708	53
							9672	54
16	Preston Bester Jr	20 Vester Rd	Laurel	Jones	MS	39440	7385	55
							7364	56
							6862	57
							6500	58
17	Preston Bester Sr	114 South Joe Wheeler St	Laurel	Jones	MS	39440	0507	59
							4714	60
18	Lucille Black	PO Box 393	Como	Panola	MS	39619	2242	61
							6930	62
							9998	63
							9999	64
							0000	65
							0001	66
							0002	67
							0003	68
							0004	69
19	Carl W Blakely	939 South Maple	Laurel		MS	39440	0541	70
20	Gerald Bland	419 Haas St.	Vicksburg	Warren	MS	39180	6242	71
							3462	72
							3465	73
21	Dow H. Bourland	607 Melrose Montebello Pkway	Natchez	Adams	MS	39120	1972	74
							3596	75
22	Vernell Boykin	1310 Simmons St	Laurel	Jones	MS	39440	9052	76
							8212	77
							9051	78
							9050	79
							7598	80
							7625	81
							7624	82
							5634	83
							5635	84
							0318	85
							0319	86
							2787	87
							0317	88
							5072	89
							7597	90

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Exhibit A

No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							8214	91
							7596	92
							0319	93
							7623	94
							4288	95
							1163	96
							2394	97
							5424	98
							9848	99
23	Jessie Breland	1907 General Pershing	Laurel		MS	39440	72586	100
							5497	101
							5497	102
							5497	103
							9943	104
							3869	105
							0267	106
							1105	107
							1103	108
							0268	109
							1114	110
							1113	111
							1115	112
							3534	113
							1116	114
24	Roxie Breland	1207 Wheaton St.	Laurel	Jones	MS	39440	1404	115
25	Lee H. Brooks	PO Box 404	Lexington	Holmes	MS	39095	2874	116
26	Sally Brooks	PO Box 404	Lexington	Holmes	MS	39095	4618	117
27	Hattie Broomfield	2410 Old Five Mile Rd	Louise	Humphreys	MS	39097	4498	118
28	R B Broomfield	2410 Old Five Mile Rd	Louise	Humphreys	MS	39097	3161	119
29	Andrew Brown	528 South 4th Avenue	Laurel	Jones	MS	39440	1526	120
							1650	121
30	Elizabeth Brown	1846 Ebenezer Rd	Pickens	Holmes	MS	39146	2297	122
31	Herman Brown Sr.	204 Fava Drive	Greenville	Washington	MS	38701	9795	123
32	Love Joe and Ida Bell Brown by Herman Brown Sr.	204 Fava Drive	Greenville	Washington	MS	38701		124
								125
33	Trina Brown	326 Levee St	Yazoo City	Yazoo	MS	39194	8657	126
							3450	127
34	Sidney K. Burch	316 Joe Magee Rd	Columbia		MS	39429	3679	128
							6596	129
35	Eldora Burkes by Calvin Burkes						8776	130
							3232	131
36	Irene Bush	409 College St	Greenwood	Leflore	MS	38930	8356	132
							2836	133
							0949	134

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No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							██████9702	135
							██████9935	136
							██████5254	137
37	Ellen E. Butler by Minnie Stewart	713 Heather Lane	Jackson	Holmes	MS	39206	██████7681	138
							██████8866	139
							██████7682	140
							██████7683	141
							██████2600	142
							██████1112	143
							██████3919	144
							██████4420	145
							██████9458	146
							██████8664	147
							██████8663	148
							██████3283	149
							██████9424	150
							██████3285	151
							██████3291	152
							██████4416	153
							██████6644	154
							██████6645	155
							██████4585	156
							██████3286	157
							██████4419	158
							██████4418	159
							██████4417	160
38	Hope Eloise Duke Campbell	29 Windsor Court	Laurel	Jones	MS	39443	██████2719	161
							██████1856	162
							██████6701	163
							██████0391	164
							██████7788	165
							██████5323	166
							██████0390	167
39	Susie Carmichael	2435 Bush Dairy Rd	Laurel	Jones	MS	39440	██████2738	168
							██████1012	169
							██████5113	170
							██████1014	171
							██████8827	172
40	Howard Chambers Sr	170 Begonia St.	Biloxi	Harrison	MS	39531	██████6469	173
							██████7714	174
41	Joan Gulley Chambers	210 Wayne St.	Waynesboro	Wayne	MS	39367	██████0916	175
							██████0917	176
							██████0918	177
42	Rosemary Chandler	2618 North Rocheblave St.	New Orleans	Orleans	LA	70117	██████0803	178
							██████1960	179

Life of Georgia
Exhibit A

No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
43	Jerome Chapman	72 Charlie Dr	Ellisville	Jones	MS	39437	LOST POLICIES	180
44	Lula M. Coleman	2246 Palmer Avenue	Laurel	Jones	MS	39440	██████0545	181
							██████0473	182
							██████1730	183
							██████1731	184
							██████7312	185
							██████1026	186
							██████7248	187
45	Gloria S. Colston	48 Claiborne St	Natchez	Adams	MS	39120	██████8550	188
							██████1960	189
46	Gregory L Colston	48 Claiborne St	Natchez	Adams	MS	39120	██████9905	190
47	Charles Conner by Debra Dorsey	29 1/2 Beaumont St.	Natchez	Adams	MS	39120	██████8900	191
							██████8657	192
							██████5591	193
							██████3206	194
							██████7623	195
							██████5840	196
							██████1680	197
							██████5889	198
							██████1681	199
							██████9908	200
							██████4748	201
								202
48	Cynthia Cowart	10 Packwood Road	Tylertown		MS	39667	██████0397	203
49	Sadie Dalcourt	PO Box 261	Woodville	Wilkinson	MS	39669	██████7212	204
							██████3589	205
							██████0232	206
							██████1848	207
							██████5919	208
							██████5980	209
							██████4638	210
							██████5982	211
							██████4639	212
							██████8727	213
							██████4640	214
50	Patricia Daniel	210 High Hill Dr	Vicksburg	Warren	MS	39180	██████7394	215
							██████7391	216
51	Linda Joyce Twillie Darby	543 E. 37th Street	Erie		PA	16504	██████9007	217
							██████9470	218
52	Dewayne S. Davis	PO Box 12	Seale	Russell	AL	36875	██████0085	219
53	Diana M. Davis	105 Catalina Circle	Jackson	Hinds	MS	39284	██████1889	220
54	James Davis by Carrie M. Haywood	605 W. Martin L. King St	Mound Bayou	Bolivar	MS	38762	Lost Policies	221
55	Lauree Martin and Elton Davis	Rt 2 Box 183	Monticello		MS	39654	██████0057	222
							██████2027	223

Life of Georgia
Exhibit A

No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							████████9199	224
							████████7322	225
							████████0374	226
							████████8403	227
							████████2364	228
							████████0099	229
							████████0072	230
56	Robert & Alfreda Davis by Zemma Myles	PO Box 10264	Prichard	Mobile	AL	36610	████████1779	231
							████████9876	232
							████████9875	233
							████████9662	234
							████████2166	235
							████████2621	236
							████████9660	237
							████████9661	238
							████████6484	239
57	Versa Davis by Bertha Sullivan	11 13 Street	Clanton	Chilton	AL	35045	████████1487	240
							████████148	241
							████████3037	242
								243
58	Lonnie & Robert Dawson by Helen Dawson	2136 SW 60th St.	Oklahoma City	Oklahoma	OK	73159	████████5008	244
							████████5009	245
59	Martha C Denham	411 Monroe St	Laurel	Jones	MS	39440	████████9376	246
							████████3177	247
							████████3178	248
							████████3736	249
							████████9356	250
60	Estella Dennis	PO Box 56	Shaw	Bolivar	MS	38773	████████8982	251
							████████4042	252
							████████2071	253
							████████5197	254
							████████0631	255
							████████0280	256
							████████8671	257
							████████1012	258
							████████0813	259
							████████4622	260
							████████2899	261
							████████8989	262
61	Joseph Alvin DeRogers	746 S. Gayoso Street	New Orleans	Orleans	LA	70119	████████4312	263
							████████4313	264
							████████4403	265
62	Evelyn J. Dozier	149 Chestnut St.	Laurel	Jones	MS	39440	████████7601	266
							████████3289	267

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Exhibit A

No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							0247	268
							9236	269
							9237	270
							3799	271
							4007	272
							7089	273
							4740	274
							2791	275
							5420	276
							3004	277
							6831	278
63	Ethel L. Durham	126 Cemetary St	Lexington	Holmes	MS	39095	2245	279
							7169	280
							4754	281
							2555	282
64	Pauline Durham	126 Cemetary St	Lexington	Holmes	MS	39095	8789	283
65	Estate of McLane Evers	983 South Maple St	Laurel	Jones	MS	39440	7474	284
							5343	285
66	Mattie Jenelle Ferguson	169 Friendship Rd	Laurel	Jones	MS	39443	7507	286
							8190	287
							7506	288
							8793	289
							8794	290
							8795	291
							8796	292
							8797	293
							8798	294
							7079	295
							8973	296
67	Sylvester Fleming	106 Cotrena Cir	Natchez	Adams	MS	39120	9137	297
68	Althea Ford	Rt 2 Box 416	Natchez	Adams	MS	39120	9101	298
							1809	299
							8806	300
69	Joan T. Ford	1108 Daisy St	Natchez	Adams	MS	39120	6799	301
							6266	302
							0147	303
70	John Ford	2930 N. Rocheblave St.	New Orleans	Orleans	LA	70117	1781	304
							1866	305
							2311	306
							2313	307
							2315	308
							5420	309
							5433	310
							9616	311
							9624	312
							9634	313
							9648	314

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Exhibit A

No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							██████1556	315
							██████1806	316
							██████7314	317
							██████7317	318
							██████2320	319
							██████3879	320
							██████5232	321
							██████0585	322
71	Barbara Franklin	Rt 2 Box 217	Church Hill		MS	39120	██████7364	323
							██████6462	324
							██████7362	325
								326
								327
72	Inez Franklin by Barbara Franklin	Rt 2 Box 217	Church Hill		MS	39120	██████2332	328
							██████1702	329
							██████4084	330
							██████9497	331
73	Mary Denice Franklin	Route 2, Box 217	Church Hill		MS	39120	██████6462	332
							██████7362	333
74	Sarah George	7300 Arabia Avenue	Birmingham	Jefferson	AL	31723	██████9192	334
							██████3162	335
							██████9190	336
							██████5784	337
							██████2317	338
							██████3257	339
							██████2594	340
							██████4997	341
							██████7182	342
							██████8292	343
							██████7544	344
							██████6472	345
							██████9189	346
							██████3163	347
							██████8600	348
							██████6071	349
75	James Geralds	PO Box 1791	Yazoo City	Yazoo	MS	39194	██████7807	350
76	Louise Graham	901 Magnolia	Port Gibson	Claiborne	MS	39150	only checks	351
77	Marvin Earnest Gray	5 J B Henry Road	Waynesboro	Wayne	MS	39437	pmt receipts only	352
78	Michael Green Sr	10 Davis Court	Natchez	Adams	MS	39120		353
79	Ronald Greene	527 Victoria Ave	Laurel	Jones	MS	39440	██████8824	354
							██████6600	355
							██████5837	356
80	Mary Hall	725 E. Kingston St.	Laurel	Jones	MS	39440	██████1768	357
							██████3145	358
							██████4587	359
							██████0465	360

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No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							2297	361
							7577	362
							7575	363
							2687	364
							2685	365
							7576	366
							2688	367
							2686	368
							2298	369
							2684	370
81	Florine and Robert Hand	440 Riverea Ave	Stonewall	Clarke	MS	39303	4626	371
							9327	372
							6947	373
							4326	374
							3540	375
							8994	376
							2872	377
							2358	378
							4325	379
82	Annie P. Hardaway	120 Shiloh Church Rd	Newton	Newton	MS	39345	6089	380
							6090	381
							6083	382
83	Christine Hardy	1025 South 15th Ave.	Laurel	Jones	MS	39440	2979	383
							4658	384
							3788	385
							5068	386
							2699	387
							9162	388
							3919	389
							2191	390
							9977	391
							6378	392
							2439	393
							2440	394
							0280	395
							2439	396
84	Helen & Jesse Hare	1417 Margaret Drive	Laurel	Jones	MS	39440	0902	397
							1629	398
							1488	399
							1629	400
							3368	401
							5362	402
							3225	403
							3226	404
							4364	405
							1486	406
							1487	407

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No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							3852	408
							2834	409
							2835	410
							5927	411
85	Robert Lee Hare	951 Maple Street	Laurel		MS	39440	4603	412
							4328	413
							8206	414
							5245	415
							5266	416
							4327	417
							8205	418
86	Paul Hargrave	306 Melrose Montebello Pkwy	Natchez	Adams	MS	39120		419
87	Leroy Harper (Eunice)	PO Box 639	Shelby	Bolivar	MS	38774	8467	420
							8469	421
							8468	422
							5220	423
88	Geneva Harris	313 Pearl St.	Sardis	Panola	MS	38666	5987	424
								425
89	Thelma Harris	214 Pacely St.	Waynesboro	Wayne	MS	39367		426
90	Phebia Haynes	15 Marion Drive	Laurel		MS	39440	75360	427
							73686	428
							0655	429
							73686	430
							4699	431
							4700	432
							9465	433
							2580	434
91	Rhonnely Hearn	1919 NE 7th Place	Gainesville		FL	32641	5454	435
							5453	436
							5455	437
							5456	438
							5457	439
							5459	440
							0367	441
							5265	442
							5266	443
							2399	444
							6343	445
							6346	446
							4110	447
							3048	448
							3453	449
							3168	450
							2296	451
							2399	452
							0956	453

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No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							██████████0049	454
							██████████7959	455
							██████████5745	456
								457
92	Grenh Hefner	111 Pecan Drive M	Senatobia	Tate	MS	38668	██████████6041	458
93	Josephine and Charles Henry by Charlene Henry	2908 Banks St.	New Orleans	Orleans	LA	70119	██████████9173	459
							██████████9176	460
							██████████9175	461
							██████████9179	462
							██████████9178	463
							██████████9172	464
							██████████9177	465
							██████████2013	466
							██████████1415	467
94	Denise Hibbler	2353 Longtown Rd	Sarah	Panola	MS	38665	██████████4285	468
							██████████3405	469
							██████████1158	470
95	Rosie Hibbler	120 Dawkins St	Louisville	Winston	MS	39335	██████████6522	471
96	Rosilean Hicks by Lurline Green	702 Harris St	Vicksburg	Warren	MS	39180	██████████0277	472
							██████████6008	473
97	Eloise Hollis by Sammy Curry	568 West Jess Lyon Rd	Columbus	Lowndes	MS	39705	██████████9535	474
							██████████9541	475
							██████████9540	476
							██████████9539	477
							██████████6028	478
							██████████8114	479
							██████████6679	480
							██████████7811	481
							██████████6091	482
							██████████4575	483
							██████████2369	484
							██████████6032	485
							██████████7546	486
							██████████4778	487
98	Dora Hoover	1522 Gordon Ave	Yazoo City	Yazoo	MS	39194	██████████5380	488
							██████████2758	489
							██████████3178	490
							██████████3179	491
							██████████2757	492
							██████████4071	493
99	Hillman Hosey by Levell Hosey	5 Campbell Barnes Rd	Laurel	Jones	MS	39443	██████████1587	494
100	R. Milford Hough Jr.	PO Box 1107	Greenville	Washington	MS	38702	Lost Policy	495
101	Molier Hudson by Vivian Hudson	211 Walnut Cir	Yazoo City	Yazoo	MS	39194	██████████8043	496

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No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
102	Mary G. Hunt						9823	497
							8119	498
103	Willie Joyce Hutson, Jr	632 S. Sherwood Dr	Gulfport	Harrison	MS	39507	6168	499
							7226	500
							7798	501
							2758	502
104	Emma Ivory	1229 Texas St	Natchez	Adams	MS	39120	2969	503
							5026	504
105	Doris Jackson	216 Eastland Blvd	Ocean Springs		MS	39564	1014	505
							1015	506
							1012	507
							1013	508
							0662	509
							1594	510
							1599	511
							2258	512
							5619	513
							5620	514
							5621	515
							5622	516
							0933	517
							3413	518
							2717	519
							2718	520
							0663	521
							9598	522
							5622	523
							7145	524
							0933	525
106	Mary Jackson	220 Boradmoor Dr	Natchez	Adams	MS	39120	3550	526
107	Catherine Jefferson	4714 Jefferson Ln	Vicksburg	Warren	MS	39180	7132	527
							5162	528
							7197	529
							7198	530
							7199	531
							4196	532
							6984	533
							6524	534
							2720	535
							7133	536
							4353	537
							2721	538
108	Lovie Johnson by Kevin Johnson	PO Box 474	Quitman	Clarke	MS	39355	2875	539
							0768	540
109	Samuel Johnson	1225 Purvis Dr.	Laurel	Jones	MS	39440	7386	541

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No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							3365	542
							6559	543
							3915	544
							3841	545
							0898	546
							0613	547
							9416	548
							7483	549
							0993	550
							0995	551
							1283	552
							1284	553
							1285	554
							1000	555
							1001	556
							0996	557
							0994	558
							8961	559
110	Inell Joiner	PO Box 371	Macon		MS	39341	8309	560
							9081	561
111	Gracie Lee Jones	PO Box 4074	Laurel	Jones	MS	39440	0964	562
112	Ida M. Jones	614 E. 15th St.	Laurel	Jones	MS	39440	4041	563
							4043	564
							4045	565
							1679	566
							7158	567
							4315	568
113	Jesse Jones	1229 Texas St	Natchez	Adams	MS	39120	2985	569
							5921	570
114	Joanette Davis Jones	434 Lower Woodville Road	Natchez	Adams	MS	39120	6534	571
							6535	572
							9878	573
115	Louella Jones	602 B Cox Circle	Senatobia	Tate	MS	38668	4738	574
							43556	575
							47646	576
116	Rena Jones by John H. White	1309 San Juan Dr.	Flint	Genesee	MI	48504	6987	577
							7883	578
117	Tommy J. Jones	22 Davenport Alley	Vicksburg	Warren	MS	39183	0217	579
							4965	580
118	Verlene Jones	PO Box 775	Como	Panola	MS	38619	4113	581
							4020	582
							Lost Policy	583
119	Dorothy J. Jordan	478 Smith Chapel Rd	Laurel	Jones	MS	39440	4812	584
							4813	585
							4815	586
120	Glory D. Jordan	PO Box 105	Louise	Humphreys	MS	39097	3178	587

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No.	Name	Address	City	County	ST	Zip	Policy #	Policy Count
							3177	588
							8206	589
121	May W. Williams-Joseph	20693 Freeport Dr	Riverside	Riverside	CA	92508	No Policy	590

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

**BILLIE A. AULD,
ET AL.**

PLAINTIFFS.

vs.

**LIFE INSURANCE COMPANY
OF GEORGIA, ET AL.**

DEFENDANTS.

CIVIL ACTION NO. 04-KV 0001-J

NOTICE OF SERVING DISCOVERY

**TO: Adams County Circuit Court
Post Office Box 1224
Natchez, MS 39121**

Please take notice that the undersigned has served the following along with the Summons and Complaint:

- 1. Plaintiffs' First Set of Combined Interrogatories, Request For Production of Documents, and Requests for Admissions Propounded to the Defendant Life Insurance Company of Georgia.**

Respectfully submitted:

**RECEIVED
AND FILED**

JAN 05 2003


John A. Piazza (MS Bar No. 100333)

OF COUNSEL:

M.L. VINES CIRCUIT CLERK

Ramsey Law Firm, P.C.

C.E. Sorey, II.

21 North Florida Street


Mobile, Alabama 36607

Telephone: (251) 479-5655

D.C.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the parties listed above along with the Summons and Complaint via certified mail.



JOHN A. PIAZZA

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A. AULD, ET AL.

PLAINTIFFS,

vs.

LIFE INSURANCE COMPANY OF
GEORGIA, ET AL.

DEFENDANTS.

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CIVIL ACTION NO. 04-KV-0001-J

RECEIVED
AND FILED

JAN 05 2003

PLAINTIFFS' FIRST SET OF COMBINED INTERROGATORIES
REQUESTS FOR PRODUCTION ~~BY~~ ^{D.C.} OF DOCUMENTS, AND
REQUESTS FOR ADMISSIONS PROPOUNDED TO THE
DEFENDANT, LIFE INSURANCE COMPANY OF GEORGIA

COMES NOW the Plaintiffs and propound the following Interrogatories, Document Requests and Requests for Admissions, in accordance with the Mississippi Rules of Civil Procedure, Rules 26, 33, 34 and 36, as follows:

I. DEFINITIONS

The following definitions apply to all discovery requests:

1. "LIFE OF GEORGIA" shall mean the defendant, Life Insurance Company of Georgia, as well as any predecessor corporation or entity, and all of their respective employees, officers, agents, and representatives.
2. "You" or "your" shall mean the defendant, Life of Georgia, and all of its respective agents, representatives, employees, investigators, and attorneys.
3. "Anyone acting on your behalf" includes your agents, employees, insurance company, their agents, employees, your attorneys, investigators, and consultants.

4. "Custodian" refers to the person having possession, custody, or control of any writing or physical evidence.

5. The term "document" shall be synonymous in meaning and equal in scope to the usage of this term in Mississippi Rule of Civil Procedure 34. A draft or non-identical copy is a separate document within the meaning of this term.

6. "Identify", "identification", or "identity", when used in reference to:

a. An individual or natural person, shall mean to state the person's full name, social security number, residence and business address, and residence and business telephone number;

b. A business or governmental entity not a natural person, shall mean to state the entity's full name, principal activities, state of legal creation, and address of the principal place of business.

c. A document, shall mean to state the document's description (e.g., letter, report, memorandum, etc.), the document's title, the document's date, the document's author, and the document's present location;

d. A communication, contact, or statement, shall mean to state the date, place and substance of the communication, contact, or statement, the persons by and to whom it was made, and each person who was present when it was made.

7. "Person" shall mean any natural person or any entity, whether business entity (corporation, association, firm, partnership or otherwise), governmental entity, other legal entity, or any agency, bureau, committee, department, division, subdivision or subsidiary thereof.

8. "Representative" shall mean any officer, director, agent, employee, attorney,

servant or other person acting for or on behalf of the person (as that term is defined herein) referred to in the interrogatory or definition or of the person's affiliate.

9. The term "concerning" shall mean relating to, referring to, describing, evidencing of constituting, reflecting on, arising out of, or being in any way or manner legally, factually, or logically connected with the matter discussed.

10. "Subject policies" or "the insurance policies" means those certain insurance policies issued to Plaintiffs herein and issued by the Defendants.

INTERROGATORIES

INTERROGATORY NO. 1

State the name, address and telephone number of each and every agent of Life of Georgia who has had any contact with Plaintiffs and state the agents current position(s) with Life of Georgia (if any).

INTERROGATORY NO. 2

Identify each person who participated in the preparation of any of your responses to these discovery requests, or who provided information or assistance in connection with any response, or whom you consulted or from whom you sought information or assistance in connection with the preparation of any response. Identify the discovery request to which each name applies.

INTERROGATORY NO. 3

Please identify each policy of insurance issued by you to the Plaintiffs and for each policy set forth the type or nature of the policy; the effective date; the policy number; and the amendment number, if applicable.

INTERROGATORY NO. 4

If you contend that any of the policies identified in your answer to the foregoing interrogatory "lapsed" or that coverage otherwise terminated, for each such policy, please state: the date or dates upon which you claim that such policy "lapsed", was rescinded; was canceled; or otherwise ceased to be in effect and give the reason therefore.

INTERROGATORY NO. 5

Please state the name, address and telephone number of each person you believe may have discoverable knowledge of the facts and circumstances which form the basis of this lawsuit.

INTERROGATORY NO. 6

Please state the names, addresses and telephone numbers of all witnesses which you may call at the trial of this matter and state the subject matter of their testimony.

INTERROGATORY NO. 7

With respect to each person you will call or expect to call as an expert witness at the trial of this matter, please identify each person (including name, address, telephone number, and the field in which he is to be offered as an expert) and provide the following about each such witness:

- (a) the subject matter on which the expert is expected to testify;
- (b) the substance of the facts and opinions to which the expert is expected to testify; and
- (c) a summary of the grounds for each opinion.

INTERROGATORY NO. 8

Identify or describe the nature, custody and condition and location of any documents, writings or tangible things relevant to the subject matter of this suit known to you or to your

attorneys, whether same will be offered at trial or whether it is merely relevant to the subject matter in the pending action and may or may not be offered at trial.

INTERROGATORY NO. 9

Please identify each and every document you relied upon or to which you referred, in forming your responses to Plaintiffs' complaint or these discovery requests, and identify the person who currently has possession of each document identified.

INTERROGATORY NO. 10

Please state the name, address, telephone number and position occupied of any and all persons who have taken or obtained statements, questionnaires, declarations, applications or other documents from the Plaintiffs.

REQUESTS FOR PRODUCTION

Plaintiffs, through counsel and pursuant to Rule 34 of the Mississippi Rules of Civil Procedure, herewith propound the following requests to the Defendant to produce the following documents for inspection and copying at The Ramsey Law Firm, 21 North Florida Street, Mobile Alabama 36607, within the time prescribed by law.

Please note that pursuant to Mississippi Rule of Civil Procedure 34(b), any documents produced shall be as they are kept in the usual course of business or, alternatively, the responding party shall organize and label them to correspond with the category in the request that calls for their production.

The manner of inspection shall be personal inspection at the time, date and place designated herein, including the photographing and/or copying by or on behalf of the Plaintiffs of the documents and other tangible things hereinafter mentioned, not privileged.

You are hereby notified that all documents which you claim are privileged shall be identified as to the name of said document, custodian and place of repository of said document and the subject matter and/or the request herein to which the document is responsive.

Please make available for inspection, photocopying and/or reproduction the following:

REQUEST NO. 1

Produce copies of each and every policy which you identified in your answer to interrogatory number 3.

REQUEST NO. 2

Copies of all documents pertaining to insurance sold to Plaintiffs by this Defendant.

REQUEST NO. 3

Copies of all correspondence, agreements, and/or contracts between this Defendant, Life of Georgia and the Plaintiffs or other Defendant(s) herein.

REQUEST NO. 4

All records of communication to Plaintiffs explaining or discussing the insurance policy or policies issued by Life of Georgia or the charges they were required to pay as a result of purchasing insurance issued by Life of Georgia.

REQUEST NO. 5

Copies of all agreements or contracts entered into by this Defendant, Life of Georgia, which agreements concern or in any way pertain to the insurance policies sold to the Plaintiffs herein.

REQUEST NO. 6

A copy of the insurance file or file by any other name (including but not limited to any claims files) concerning the Plaintiffs to this action.

REQUEST NO. 7

All documents which relate to insurance issued by Life of Georgia to any of the Plaintiffs.

REQUEST NO. 8

Any and all insurance agreements or policies under which any person or entity carrying on an insurance business may be liable to satisfy part or all of the judgment which may be rendered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

REQUEST NO. 9

Copies of any indemnity agreement and reinsurance agreement(s) between any of the parties to this case.

REQUEST NO. 10

Copies of any indemnity agreement and reinsurance agreement(s) between any party to this case and non-party which is relevant to the actions made the basis of this suit.

REQUEST NO. 11

Copies of any and all statements previously made by the Plaintiffs concerning the subject matter of this lawsuit, including any written statement signed or otherwise adopted or approved by any Plaintiffs hereto and any stenographic, mechanical, electrical or other type of recording or any transcription thereof made by any Plaintiffs and contemporaneously recorded.

REQUEST NO. 12

Any and all expert reports that were or will be relied upon in whole or in part by any testifying expert in this case.

REQUEST NO. 13

A copy of each document concerning the events and happenings made the basis of this lawsuit and the persons involved, including but not limited to all documents concerning the sale of insurance to the Plaintiffs and the charges resulting therefrom.

REQUEST NO. 14

Any and all reports, papers, records, statistics, literature, or other documents upon which any of your expert witnesses will base his or her opinion.

REQUEST NO. 15

Any and all experts' reports which have been prepared in connection with this lawsuit or the actions giving rise to this lawsuit, if the expert is expected to or may testify in this cause as an expert.

REQUEST NO. 16

A copy of any investigation conducted by this answering defendant and/or its parent company in connection with insurance issued to policyholders that was not prepared in anticipation of litigation.

REQUEST NO. 17

Curriculum Vitae of all experts who may testify in this cause.

REQUEST NO. 18

All documents, recordings or other tangible things which you contend is in any way relevant to the events or happenings made the basis of this lawsuit and the persons involved.

REQUEST NO. 19

All documents referred to in your responses to any of the preceding Interrogatories.

REQUEST NO. 20

Copies of minutes of all corporate meetings of this answering defendant, Life of Georgia, for the past (10) years, which contain information relative to the sale of insurance to Mississippi policyholders.

REQUEST NO. 21

Copies of all correspondence, communications (including memoranda of oral communications), statements, applications, declarations, or any other documents) taken or obtained from the Plaintiffs.

REQUEST NO. 22

Complete and accurate copies of each and every insurance policy, policy amendment, and policy endorsement ever issued by this answering defendant, Life of Georgia, to the Plaintiffs.

REQUEST NO. 23

Any and all reports from your computerized Policy Management System (by any other name) which pertain to the Plaintiffs or to any policies written to the Plaintiffs.

REQUEST NO. 24

Copies of the Mississippi Insurance Licenses of all agents who sold insurance to the Plaintiffs including, but not limited to the individual defendants herein.

REQUEST NO. 25

In the event any of the licenses produced in response to the previous request have ever been suspended or revoked, please produce documentation reflection the periods that such suspension or revocation was in effect.

REQUEST NO. 26

All non-privileged documents not described herein, which are relative to the allegations contained in the Complaint.

REQUEST NO. 27

A detailed payment history/ record for every premium which has been paid by the Plaintiffs for any and all policies issued by Life of Georgia, including the dates upon which payments were received and the amount of payments received. This request includes complete premium receipt records (or records by any other name) for the Plaintiffs.

REQUEST NO. 28

Any and all advertising material, literature, documents or videotapes published or produced for the purpose of soliciting agents and/or prospective insureds.

REQUEST NO. 29

Produce the entire insurance file for the Plaintiffs (including but not limited to any claim files and any electronic data regarding the Plaintiffs).

REQUEST NO. 30

Produce complete Premium Receipt Books (PRBs), premium receipt records, or other document evidencing payment of premiums for the Plaintiffs.

REQUEST NO. 31

Produce documentation which was generated as a result of contact between the Plaintiffs and any of their agents with Life of Georgia.

REQUEST NO. 32

Please produce a copy of any and all communications, statements, questionnaires, applications, declarations or any other such documentation taken or obtained from the Plaintiffs at any time.

REQUEST NO. 33

Produce the complete personnel files of Life of Georgia's agents (or former agents) WHO SOLD OR SERVICED POLICIES OF THE PLAINTIFFS, including but not limited to the personnel files of the individual defendants herein.

REQUEST NO. 34

Produce a copy of each document which was given or mailed to the Plaintiffs by Life of Georgia at any time.

REQUEST NO. 35

If any documentation was generated as a result of contact between Plaintiffs to this action and any agent of Life of Georgia (identified in your response to interrogatory number 1), please produce a copy of said documents.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSIONS NO. 1

Please admit that Plaintiffs are or were "insured" on policy or policies issued by Life of Georgia.

REQUEST FOR ADMISSIONS NO. 2

Please admit that Life of Georgia, an insurer, entered into a contractual relationship with the Plaintiffs.

REQUEST FOR ADMISSIONS NO. 3

Please admit that Life of Georgia sells insurance through the use of insurance agents who represent Life of Georgia for all purposes relating to the formation of the insurance contract.

REQUEST FOR ADMISSIONS NO. 4

Please admit that agents who call customers' in their homes to sell insurance products are required to be licensed agents.

RESPECTFULLY SUBMITTED,

BY: 

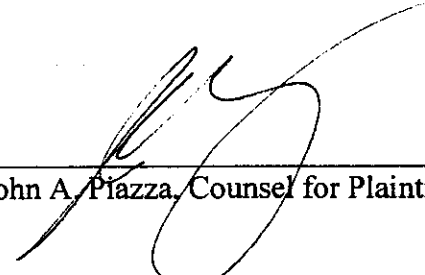
John A. Piazza, Counsel for Plaintiff
MS Bar #100333

OF COUNSEL:

C.E. Sorey, II.
Ramsey Law Firm, P.C.
21 North Florida Street
Mobile, AL 36607
(251) 479-5655

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing "*Plaintiffs' First Set of Combined Interrogatories, Requests for Production of Documents, and Requests for Admissions*" was served via U.S. mail postage prepaid along with the Summons and Complaint.


John A. Piazza, Counsel for Plaintiff

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A. AULD, ET AL.

Plaintiffs,

vs.

**LIFE INSURANCE COMPANY OF
GEORGIA, ET AL.**

Defendants.

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CIVIL ACTION NO: 04-RV-0001-J

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Paul Upton
1011 Anniston Avenue
Gulfport, MS 39507-2742**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand deliver a copy of a written response to the Complaint to **John A. Piazza**, the attorney for Plaintiffs, whose address is **Ramsey Law Firm, P.C., 21 N. Florida Street, Mobile, Alabama 36607**. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 5th day of Jan 2004.

M. E. Davis
CIRCUIT CLERK OF ADAMS
COUNTY, MISSISSIPPI

(SEAL)

By:

Gertie Nichols DC
CLERK

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A. AUSTIN ET AL.

Plaintiffs,

vs.

**LIFE INSURANCE COMPANY OF
GEORGIA, ET AL.**

Defendants.

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CIVIL ACTION NO: 04-KV-0001-J

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Paul Norrell
1583 S. Main Street
Greenville, MS 38701-7008**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand deliver a copy of a written response to the Complaint to **John A. Piazza**, the attorney for Plaintiffs, whose address is **Ramsey Law Firm, P.C., 21 N. Florida Street, Mobile, Alabama 36607**. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 5th day of Jan, 2004.

M. L. DINES
CIRCUIT CLERK OF ADAMS
COUNTY, MISSISSIPPI

(SEAL)

By:

Jackie Michael DC.
CLERK

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A. AULD, ET AL.

Plaintiffs,

vs.

**LIFE INSURANCE COMPANY OF
GEORGIA, ET AL.**

Defendants.

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CIVIL ACTION NO: 04-KV-0081-J

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Walter Montgomery
4582 Hebron Road
Lexington, MS 39095-9731**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand deliver a copy of a written response to the Complaint to **John A. Piazza**, the attorney for Plaintiffs, whose address is **Ramsey Law Firm, P.C., 21 N. Florida Street, Mobile, Alabama 36607**. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 5th day of Jan, 2004.

M. L. Dineen
CIRCUIT CLERK OF ADAMS
COUNTY, MISSISSIPPI

(SEAL)

By:

Jackie Nichols
CLERK

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A. AULD, ET AL.

Plaintiffs,

vs.

**LIFE INSURANCE COMPANY OF
GEORGIA, ET AL.**

Defendants.

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CIVIL ACTION NO: 04-KV-0001-J

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Randy Britt
2358 Blue Bird Drive
Greenville, MS 38701-8105**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand deliver a copy of a written response to the Complaint to **John A. Piazza**, the attorney for Plaintiffs, whose address is **Ramsey Law Firm, P.C., 21 N. Florida Street, Mobile, Alabama 36607**. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 5th day of Jan, 2004.

**CIRCUIT CLERK OF ADAMS
COUNTY, MISSISSIPPI**

(SEAL)

By:

CLERK

Jaime Nichols, P.C.

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A. AULD, ET AL.

Plaintiffs,

vs.

**LIFE INSURANCE COMPANY OF
GEORGIA, ET AL.**

Defendants.

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CIVIL ACTION NO: 04-KV-0001-J

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Life Insurance Company of Georgia
c/o CT Corp System
1201 Peachtree Street, Northeast
Atlanta, GA 30361**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand deliver a copy of a written response to the Complaint to **John A. Piazza**, the attorney for Plaintiffs, whose address is **Ramsey Law Firm, P.C., 21 N. Florida Street, Mobile, Alabama 36607**. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 5th day of Jan, 2004.

M. L. DAVIS
CIRCUIT CLERK OF ADAMS
COUNTY, MISSISSIPPI

(SEAL)

By:

Jackie Nichols DC.
CLERK

RAMSEY LAW FIRM, P.C.

Attorneys and Counselors at Law

Robert S. Ramsey +
C. E. Sorey, II ◇
John A. Piazza ◇

+ Licensed in Alabama
◇ Licensed in Mississippi only

21 North Florida Street
Mobile, Alabama 36607
(251) 479-5655
(800) 434-0141

Fax (251) 479-2488
E-mail: japiazza@ramseylawfirm.com

Wallace W. Ramsey
(1887 - 1981)
James B. Ramsey
(1926 - 1980)

January 2, 2004

Adams County Circuit Clerk
Post Office Box 1224
Natchez, MS 39121

RE: Billie A. Auld, et al. vs. Life Insurance Company of Georgia

Dear Clerk:

We are enclosing for the above referenced case the following: the Original Complaint with service copies; cover sheets, original Summons and Notice of Serving Discovery; and, our firm check totaling the court costs in the amount of **\$95.00**, which includes the jury demand. ***Please return the Summons and the service copies of the Complaint for certified mail service by us.***

Additionally, we have enclosed file copies which we would appreciate you stamping and returning to our office in the enclosed self-addressed, postage prepaid envelope.

If you have any other questions concerning this matter, please do not hesitate to contact me at 1-800-434-0141.

With kindest regards, I remain

Sincerely,


John A. Piazza

RECEIVED
AND FILED
JAN 05 2004
BY M.L. VINES CIRCUIT CLERK
D.C.

Enclosures

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

RECEIVED
AND FILED

BILLIE A. AULD, ET AL.

JAN 8 2004

PLAINTIFFS,

M.L. VINES CIRCUIT CLERK

CIVIL ACTION NO. 04-KV-0001-J

vs.

BY _____ D.C.

LIFE INSURANCE COMPANY OF
GEORGIA, ET AL.

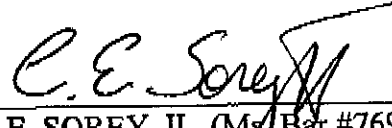
DEFENDANTS.

NOTICE OF SERVICE

Plaintiff hereby gives notice to the Court that Defendant, Randy Britt was served on the 17th day of **January, 2004** with a copy of the Summons and Complaint in the above entitled action, via U.S. Certified Mail, 2358 Blue Bird Drive, Greenville, Mississippi, 38701-8105; as shown by the attached copy of the return receipt.

Notice is further given that the undersigned will retain, as custodian the original of the aforementioned return receipt.

Respectfully submitted this the 27th day of **January, 2004**.


C.E. SOREY, II. (Ms. Bar #7692)
Attorney for Plaintiffs

Of Counsel:

John A. Piazza, (Ms. Bar #100333)
21 N. Florida Street
Mobile, Alabama 36607
(251) 479-5655

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

Randy Britt
2358 Blue Bird Drive
Greenville, MS 38701-8105

2. Article Number

(Transfer from)

7003 0500 0001 0886 7100

PS Form 3811, August 2001

Domestic Return Receipt

102505-02

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Randy Britt ☐ Agt ☐ Ack

B. Received by (Printed Name)

Randy Britt

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merch
☐ Insured Mail ☐ COD

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A. AULD, ET AL.

PLAINTIFFS,

vs.

LIFE INSURANCE COMPANY OF
GEORGIA, ET AL.

DEFENDANTS.

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* CIVIL ACTION NO. 04-KV-0001-J

RECEIVED
AND FILED

JAN 8 2004

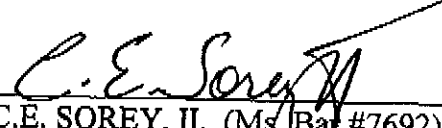
M.L. VINES CIRCUIT CLERK

NOTICE OF SERVICE

Plaintiff hereby gives notice to the Court that Defendant, Life Insurance Company of Georgia was served on the 20th day of January, 2004 with a copy of the Summons and Complaint in the above entitled action, via U.S. Certified Mail, c/o CT Corporation System, 1201 Peachtree Street, Northeast, Atlanta, GA 30361; as shown by the attached copy of the return receipt.

Notice is further given that the undersigned will retain, as custodian the original of the aforementioned return receipt.

Respectfully submitted this the 27th day of January, 2004.


C.E. SOREY, II. (Ms. Bar #7692)
Attorney for Plaintiffs

Of Counsel:

John A. Piazza, (Ms. Bar #100333)
21 N. Florida Street
Mobile, Alabama 36607
(251) 479-5655

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>* Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <u>X M Jones</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p>		<p>B. Received by (Printed Name) <u>M Jones</u> C. Date of Delivery <u>1-20-04</u></p>	
<p>Life Insurance Co. of Georgia c/o CT Corporation System 1201 Peachtree St., Northeast Atlanta, GA 30361</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>JAN 20 2004</p>	
<p>2. Article Number (Transfer from serial)</p>		<p>3. Service Type: <input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Registered Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </p>	
<p>7003 0500 0001 0886 7117</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>PS Form 3811, August 2001</p>		<p>Domestic Return Receipt 102595-02-00</p>	

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A. AULD, ET AL.

PLAINTIFFS,

VS.

LIFE INSURANCE COMPANY OF
GEORGIA, ET AL.

DEFENDANTS.

RECEIVED
AND FILED

JAN 8 2004

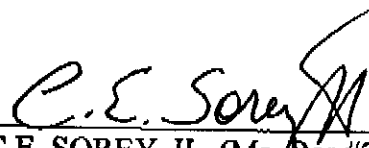
CIVIL ACTION NO. 04-KV-0001-J

JAMES W. VINES CIRCUIT CLERK
D.C.NOTICE OF SERVICE

Plaintiff hereby gives notice to the Court that Defendant, Walter Montgomery, was served on the 17th day of January, 2004 with a copy of the Summons and Complaint in the above entitled action, via U.S. Certified Mail, 4582 Hebron Road, Lexington, MS 39095-9731; as shown by the attached copy of the return receipt.

Notice is further given that the undersigned will retain, as custodian the original of the aforementioned return receipt.

Respectfully submitted this the 27th day of January, 2004.


C.E. SOREY, II. (Ms. Bar #7692)
Attorney for Plaintiffs

Of Counsel:

John A. Piazza, (Ms. Bar #100333)
21 N. Florida Street
Mobile, Alabama 36607
(251) 479-5655

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Walter Montgomery
4582 Hebron Road
Lexington, MS 39095-9731

2. Article Number:

(Transfer from #

7003 0500 0001 0886 7094

PS Form 3811, August 2001

Domestic Return Receipt

102595-02

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Walter K. Montgomery ☐ Ag

B. Received by (Printed Name)

WKM Montgomery ☐ Ag

C. Date of

1-17-04 ☐ AgD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A. AULD, ET AL.

PLAINTIFFS,

vs.

LIFE INSURANCE COMPANY OF
GEORGIA, ET AL.

DEFENDANTS.

RECEIVED
AND FILED

JAN 8 2004

JAMES CIRCUIT CLERK

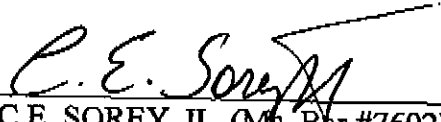
CIVIL ACTION NO. 04-KV-0001-J

NOTICE OF SERVICE

Plaintiff hereby gives notice to the Court that Defendant, Paul Norrell, was served on the 17th day of **January, 2004** with a copy of the Summons and Complaint in the above entitled action, via U.S. Certified Mail, 1583 South Main Street, Greenville, MS 38701-7008; as shown by the attached copy of the return receipt.

Notice is further given that the undersigned will retain, as custodian the original of the aforementioned return receipt.

Respectfully submitted this the 27th day of January, 2004.


C.E. SOREY, II. (Ms. Bar #7692)
Attorney for Plaintiffs

Of Counsel:

John A. Piazza, (Ms. Bar #100333)
21 N. Florida Street
Mobile, Alabama 36607
(251) 479-5655

IN THE CIRCUIT COURT OF ADAMS COUNTY, MISSISSIPPI

BILLIE A. AULD, *et al.*

PLAINTIFFS

v.

CIVIL ACTION NO. 04-KV-0001-J

LIFE INSURANCE COMPANY OF GEORGIA; *et al.*

DEFENDANTS

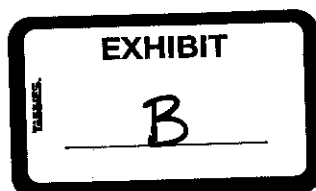
NOTICE OF FILING OF NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446, Defendants Life Insurance Company of Georgia, Paul Norrell, Randy Britt, Walter Montgomery and Paul Upton hereby file with this Court a copy of the enclosed Notice of Removal and Statement of Facts and Authorities in Support of Removal (attached hereto as Exhibit "A," without exhibits), filed today in the United States District Court for the Southern District of Mississippi, Western Division. Pursuant to 28 U.S.C. § 1446, this Court shall proceed no further in this action, unless and until the case is remanded.

Respectfully submitted, this the 13th day of February, 2004.

**LIFE INSURANCE COMPANY OF GEORGIA
PAUL NORRELL, RANDY BRITT, WALTER
MONTGOMERY and PAUL UPTON**

By: *Clair W. Lister*
One of Their Attorneys



OF COUNSEL:

Robert L. Gibbs (MB #4816)
Sheldon G. Alston (MB #9784)
Claire W. Ketner (MB #99708)
BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
1400 Trustmark Building
248 East Capitol Street (39201)
Post Office Drawer 119
Jackson, Mississippi 39205-0119
Telephone: (601) 948-3101
Facsimile: (601) 960-6902

Charles E. Griffin (MB #5015)
GRIFFIN & ASSOCIATES LAWYERS
125 So. Congress Street, Suite 1515 (39201)
Post Office Box 968
Jackson, Mississippi 39205-0968
Telephone: (601) 354-0603
Facsimile: (601) 354-0604

CERTIFICATE OF SERVICE

I, Claire W. Ketner, one of the attorneys for Defendants Life Insurance Company of Georgia, Paul Norrell, Randy Britt, Walter Montgomery and Paul Upton, do hereby certify that I have forwarded a true copy of the above and foregoing **Notice of Filing of Notice of Removal** via United States mail, postage prepaid, to the following:

John A. Piazza, Esq.
C. E. Sorey, II, Esq.
RAMSEY LAW FIRM, P.C.
21 N. Florida St.
Mobile, AL 36607

SO CERTIFIED, this the 13th day of February, 2004.



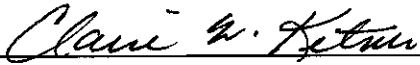
CLAIRE W. KETNER

CERTIFICATE OF SERVICE

I, Claire W. Ketner, one of the attorneys for Defendants Life Insurance Company of Georgia, Paul Norrell, Randy Britt, Walter Montgomery and Paul Upton, do hereby certify that I have forwarded a true copy of the above and foregoing **Notice of Removal and Statement of Facts and Authorities in Support of Removal** via United States mail, postage prepaid, to the following:

John A. Piazza, Esq.
C. E. Sorey, II, Esq.
RAMSEY LAW FIRM, P.C.
21 N. Florida St.
Mobile, AL 36607

SO CERTIFIED, this the 13th day of February, 2004.



CLAIRE W. KETNER

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

5-04cv55Brsu

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

BILLIE A. AULD AND ALL PLAINTIFFS LISTED
ON ATTACHED EXHIBIT "A" (see attached)

DEFENDANTS

LIFE INSURANCE COMPANY OF GEORGIA; et al.
(see attached)

(b) County of Residence of First Listed Plaintiff ADAMS
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Robert L. Gibbs (MB #4816), Sheldon G. Alston (MB #9784), Claire W. Kethner (MB #99708), Brumini, Grantham, Grower & Hewes, PLLC, P.O. Drawer 119, Jackson, MS 39205-6119, (601) 948-3101; Charles E. Griffin, Esq. (MB #50101) Griffin & Associates Lawyers, P.O. Box 968, Jackson, MS 39205-0968, (601) 354-0603

Attorneys (If Known)

John A. Piazza (MB #100333), C. E. Sorey, II (MB #7692), Ramsey Law Firm, P.C., 21 N. Florida St., Mobile, AL 36607, (334) 479-5655

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ DEF 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ DEF 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☒ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment <input type="checkbox"/> & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury--- Mod. Malpractice <input type="checkbox"/> 365 Personal Injury --- Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Tide XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS---Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a)-(c) and 1443; there is federal question jurisdiction, as Plaintiffs are making claims of illegal race discrimination which can only be brought under 42 U.S.C. § 1981; 28 U.S.C. § 1331 - jurisdiction.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 02-13-04

SIGNATURE OF ATTORNEY OF RECORD

Clair W. Kethner

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

#J065351

Billie A. Auld, et al. vs. Life Insurance Company of Georgia, et al.

List of Plaintiffs

- 1 Deborah F. Allaire
- 2 Floree Anderson, by Dianne Anderson
- 3 Jane Maclin Andrews
- 4 Wesley L. Atterberry
- 5 Billie A. Auld
- 6 Lestine Avant
- 7 Alvin and Brenda Bacon
- 8 Vera Davis Ballard
- 9 Catherine Barnes, by Cassie Price
- 10 Marian Barnes
- 11 Annie L. Beasley
- 12 Earnestine B. Bell
- 13 Willie Mae Bennett
- 14 Marsha A. Bester
- 15 Marsha G. Bester
- 16 Preston Bester, Jr.
- 17 Preston Bester, Sr.
- 18 Lucille Black
- 19 Carl W. Blakely
- 20 Gerald Bland
- 21 Dow H. Bourland
- 22 Vernell Boykin
- 23 Jessie Breland
- 24 Roxie Breland
- 25 Lee H. Brooks
- 26 Sally Brooks
- 27 Hattie Broomfield
- 28 R. B. Broomfield
- 29 Andrew Brown
- 30 Elizabeth Brown
- 31 Herman Brown, Sr.

32 Joe Love and Ida Bell Brown, by Herman Brown, Sr.
33 Trina Brown
34 Sidney K. Burch
35 Eldora Burkes, by Calvin Burkes
36 Irene Bush
37 Ellen E. Butler, by Minnie Stewart
38 Hope Eloise Duke Campbell
39 Susie Carmichael
40 Howard Chambers, Sr.
41 Joan Gulley Chambers
42 Rosemary Chandler
43 Jerome Chapman
44 Lula M. Coleman
45 Gloria S. Colston
46 Gregory L. Colston
47 Charles Conner, by Debra Dorsey
48 Cynthia Cowart
49 Sadie Dalcourt
50 Patricia Daniel
51 Linda Joyce Twillie Darby
52 Dewayne S. Davis
53 Diana M. Davis
54 James Davis, by Carrie M. Haywood
55 Lauree Martin and Elton Davis
56 Robert and Alfreda Davis, by Zemma Myles
57 Versa Davis, by Bertha Sullivan
58 Lonnie and Robert Dawson, by Helen Dawson
59 Martha C. Denham
60 Estella Dennis
61 Joseph Alvin DeRogers
62 Evelyn J. Dozier
63 Ethel L. Durham
64 Pauline Durham
65 Estate of McLane Evers

66 Mattie Jenelle Ferguson
67 Sylvester Fleming
68 Althea Ford
69 Joan T. Ford
70 John Ford
71 Barbara Franklin
72 Inez Franklin, by Barbara Franklin
73 Mary Denice Franklin
74 Sarah George
75 James Geraldts
76 Louise Graham
77 Marvin Earnest Gray
78 Michael Green, Sr.
79 Ronald Greene
80 Mary Hall
81 Florine and Robert Hand
82 Annie P. Hardaway
83 Christine Hardy
84 Helen and Jesse Hare
85 Robert Lee Hare
86 Paul Hargrave
87 Leroy Harper (Eunice)
88 Geneva Harris
89 Thelma Harris
90 Phebia Haynes
91 Rhonnel Y. Hearn
92 Grenh Hefner
93 Josephine and Charles Henry, by Charlene Henry
94 Denise Hibbler
95 Rosie Hibbler
96 Rosilean Hicks, by Lurline Green
97 Eloise Hollis, by Sammy Curry
98 Dora Hoover
99 Hillman Hosey, by Levell Hosey

100 R. Milford Hough, Jr.
101 Moller Hudson, by Vivian Hudson
102 Mary G. Hunt
103 Willie Joyce Hutson, Jr.
104 Emma Ivory
105 Doris Jackson
106 Mary Jackson
107 Catherine Jefferson
108 Lovie Johnson, by Kevin Johnson
109 Samuel Johnson
110 Inell Joiner
111 Gradie Lee Jones
112 Ida M. Jones
113 Jesse Jones
114 Joannette Davis Jones
115 Louella Jones
116 Rena Jones, by John H. White
117 Tommy J. Jones
118 Verlone Jones
119 Dorothy J. Jordan
120 Glory D. Jordan
121 May W. Williams-Joseph

Billie A. Auld, et al. vs. Life Insurance Company of Georgia, et al.

List of Defendants

1	Life Insurance Company of Georgia
2	Harvey Adcock
3	F. Allegrezza
4	Edward C. Bland
5	L. Boone
6	M. R. Boone
7	L. Boone, Jr.
8	Timmy Borgognoni
9	Randy Britt
10	L. Brown
11	Janice Bulton
12	L. H. Buroi
13	Bobby Byrnes
14	Barbara Cooper
15	J. K. M. Craig
16	Paul R. Cutting
17	Henry Davis
18	Terry W. Davis
19	Clinton Dickerson
20	Hank Favaro
21	John Felton
22	Howard Foreman
23	Howard Fulgham
24	S. Garnard
25	Marvin Gibbs
26	James Gray
27	John Hand
28	John Harrington
29	Arnold Henderson
30	E. Jackson

31 Gregory Jackson
32 Shirley Jenrette
33 Bubba Johnson
34 Les King
35 Oliver King
36 Olevar S. King
37 Craig Kirby
38 Davis Labell
39 Gregg Lane
40 J. Mally
41 Ivy Maney
42 Mayo Mangum
43 Ivy Mauery
44 James Mays
45 Ralph G. Mays
46 O. W. McRae
47 Ivy Memiy
48 John G. Mimbs
49 Walter Montgomery
50 William Montgomery
51 Paul Norrell
52 Larry O'Conner
53 Lawrence M. Phillips
54 A. Prewitt
55 Cochran Price
56 Maxine Salley
57 Charles Smith
58 Clide Smith
59 Clyde W. Smith
60 Curtis Smith
61 Leslie Smith
62 Lisa Thompson
63 Paul Upton
64 Gilbert Walden

65 B. Walk
66 Harold Walley
67 Ben Waltman
68 James Watson
69 Paul Watson
70 Sam Whitake
71 Penny Womble